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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal Spirit, from whom all blessings flow, we receive today as a gift from Your bounty. Help us to use these precious hours and minutes for Your glory. Teach us to number our days that we may have hearts of wisdom.

Lord, guide our Senators with strength, courage, hope, and love. Empower them to build bridges that will keep America strong. Pull down walls of contention and replace them with gates that lead to a productive harvest.

Let this season of peace on Earth bring joy to our world and healing and hope to our hearts.

Continue to bless our military men and women. Protect them from the dangers of the sea, land, and air, and from the violence of the enemy. Console all for whom December 7 is an annual reminder of pain and loss. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we return for what I personally hope—and we all hope—is a very short and productive session. We are currently waiting on House action on the intelligence reform conference report, and that should occur today. We will consider that measure whenever it arrives from the House. After consultations with the Democratic leadership,

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman*.

• 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 announced yesterday that there will be no rollcall votes today. We recognize people's schedules are complex and people are coming back but that people are literally all over the country right now and waiting on House action. Therefore, we felt it would be next to impossible to have a rollcall vote today and so we let people know yesterday.

Further, we are in discussions and it is still possible for us to consider the intelligence reform conference report without the need for a rollcall vote. That is under discussion, and we are talking to all our Members. I did want to mention that publicly early on so we can continue that discussion over the course of today.

With regard to the schedule, because there is some uncertainty, by necessity, given the fact we must wait on House action before bringing it to a vote, I encourage all Members who wish to speak on this legislation to come to the floor today and speak. Earlier is preferable, in the event that when a vote is scheduled, we would like to move to that vote in a relatively expeditious way.

If we are able to complete or able to clear the conference report, then it is my hope we could pass the measure in short order, and it would be my preference to deal with it on a voice vote, without a rollcall vote, if that is possible and if our colleagues agree to that.

If a vote becomes necessary, then we would, in all likelihood, schedule that vote for sometime tomorrow, and in discussions with the Democratic leadership, we would pick an appropriate time to do that. Again, we will do our best to accommodate all our Members' schedules, and we are working on that right now.

In the interim, there are a few remaining legislative and executive matters we may be able to clear. We have been working on that over the course of yesterday and today, and we will continue to do that. We will process many of those cleared items before we finish our business. We will not be taking up new business. We will be stressing the importance of finishing business for this Congress, and, in all likelihood, we will be doing that by the end of the day tomorrow. We could even finish by the end of the day today. It depends on the House activity.

I yield the floor, Mr. President.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting Democratic leader.

COMPLETING SENATE ACTION

Mr. REID. Mr. President, while the distinguished Republican leader is on the floor, I wish to make a couple of statements. It is good we finished, finally, the bill on which the Presiding Officer worked so hard, the Omnibus

spending bill. It will now be sent to the President. It is a few weeks overdue, but at least it is done right.

The provision dealing with the Internal Revenue Service is out of that bill. We learned how it was put in the bill. I am confident and hopeful that will not happen in the future.

I extend my appreciation to the Democratic leader of the House of Representatives, Representative PELOSI, for making sure there was a vote on this measure. It sends a good message to the people of America.

I also extend my congratulations to Senators LIEBERMAN and COLLINS for their brilliant work on this 9/11 bill. We had a true conference on that bill. No one can dispute there was anything done in the darkness of night. The people appointed to that conference committee worked long and hard to come up with what we will vote on either tonight or tomorrow.

There have been times when, on this side, we have complained how the conferences have worked. On that bill, it worked the way it is supposed to work. Senators LIEBERMAN and COLLINS have worked well together. This legislation, while imperfect, is still in keeping with the recommendations of the 9/11 Commission, and the American people are going to be safer as soon as this legislation is signed by the President.

I say to my distinguished colleague, the Republican leader, on our side the only two requests for speeches I have on the 9/11 bill are Senator LEAHY, who wants to speak for a relatively short period of time, and Senator BYRD, who will want to speak for a fairly long period of time.

In addition, I have had requests from Senator DORGAN and Senator GRAHAM of Florida that they want to be able to speak sometime during the day as in morning business.

Those are the only indications we have today on this side of the aisle. As I indicated, Senator BYRD may want to speak for an extended period of time. I do not know if that means an hour, 2 hours, or 3 hours, whatever it is. We will check with him and find out when he will be able to speak.

It is my understanding we could get the bill from the House sometime as early as this afternoon. If that is the case, then I hope there is a decision made by those who, in the past, have said they want a vote on this measure whether they are going to require a vote. If they do, as I indicated to the Democrats, some people have to fly a long way to get back here for a vote tomorrow. We will keep the Republican leader advised during the day as to what we have on our side.

The PRESIDENT pro tempore. The Republican leader.

Mr. FRIST. Mr. President, as you have just heard from both leaders, requests have been made for people to come to the floor today. Although I know people's schedules are so complicated, we will do our best to keep people posted over the course of the

day and come to the floor and make periodic announcements as to progress being made.

INTELLIGENCE REFORM LEGISLATION

Mr. FRIST. Mr. President, I wish to make a statement with regard to what I regard as a truly historic point for our Nation's security as we complete action on the National Security Intelligence Reform Act of 2004.

Those people who have not been directly involved in the negotiations have followed it from afar and are aware that an agreement—some people would say a tentative agreement but an agreement—has been reached on this National Security Intelligence Reform Act.

As just mentioned, it is our understanding that the conference report in all likelihood will be introduced and passed in the House today. The Senate will then address the bill and send it to the President for his signature.

I extend my deep thanks and appreciation to Senators SUSAN COLLINS and JOSEPH LIEBERMAN. Their steady leadership, their continued commitment, and their constant focus on passage of this bill kept the whole process moving forward from day one, and I will review that history shortly. I thank them on behalf of leadership, and America thanks them.

The 9/11 intelligence bill constitutes the most comprehensive and sweeping reform of the intelligence community since the National Security Act of 1947. This bill sets into motion a variety of reforms that over time will greatly improve our Nation's ability to fight the war on terror. I thank Governor Thomas Kean and Representative Lee Hamilton for their dedicated leadership of the 9/11 Commission. They have done a truly outstanding job. Their hard work and thorough analysis forms the basis of the 9/11 bill.

The 9/11 Commission's main recommendations that are addressed in this bill include the following: establishment of a new director of national intelligence who will oversee the intelligence community with enhanced budgetary and personnel authorities; creation of a national counterterrorism center that will coordinate and unify our counterterrorism efforts; ensure effective information sharing and conduct strategic operation planning; initiation of a wide range of other measures to improve information sharing, cooperation and coordination and team work between agencies in the intelligence community, such as the CIA and the FBI; establishment of a civil liberties board and authority to designate an IG; and a provision that will ensure that the chain of command is preserved and that statutory responsibilities on the heads of departments are not abrogated.

The legislation will also improve the functioning of the FBI, enhance our

Nation's transportation security, including aviation and maritime security; improve border and immigration enforcement; and strengthen terrorism prevention by tackling issues ranging from lone wolf terrorists and money laundering to terrorist hoaxes and people providing material support to the terrorists.

The conference report also covers the role of diplomacy, foreign aid, and the military in the war on terrorism and addresses a variety of matters dealing with national preparedness such as infrastructure protection and communications capabilities.

I would be remiss if I did not mention this bill also includes a provision I introduced on the Senate floor, the establishment of a national counterproliferation center. While the national counterterrorism center focuses on the customers and the users of these dangerous technologies and materials, the counterproliferation center will focus on shutting down the supply network and the brokers such as Pakistani nuclear scientist AQ Khan.

We know our enemy is ruthless and is seeking ways to maximize harm against the American people. In order to stop them, we and our allies must detect, deter, halt, and roll back the trafficking of weapons of mass destruction and their delivery systems and related materials. We cannot allow the terrorists to get their hands on these materials. We know that if they do, they will endeavor to use them. Counterproliferation is critical to fighting and winning the war on terror.

My provision gives the President time and flexibility to establish the center based on the findings of a commission he has looking into the issue of weapons of mass destruction proliferation and to make sure it is well integrated with this proliferation security initiative, the PSI.

Just as we must take the offensive in the global war on terrorism, we must similarly take the offensive in stopping the proliferation of weapons of mass destruction. Our current nonproliferation efforts are a good defense but they are not sufficient. We need a strong offense. A new national center aggressively pursuing and coordinating counterproliferation is crucial. It is in the bill and will be a part of this legislation.

I am gratified by the bipartisan efforts that have brought this reform, along with the rest of the 9/11 bill, to fruition. We will see that bipartisan support play out in the vote later on this floor and on the floor of the House most likely later today. I thank my colleagues on both sides of the aisle and in both Houses of Congress for their unflagging dedication and commitment to America's best interests.

In July, as the Congress was preparing to recess for the summer, the 9/11 Commission released its final report outlining the events leading up to the 9/11 attacks. This report identified a number of serious failings that re-

quired immediate action. It included an extensive section on recommendations to improve our Nation's security. That same day I discussed with the Democratic leader the urgent need for the Senate to act and to act responsibly and begin that action immediately.

Senator DASCHLE and I immediately set the process in motion for the Senate to respond legislatively, and in a bipartisan manner, to the 9/11 Commission's report, and we did just that. Given its central role in monitoring the organization and operations of the Federal Government, we asked the Governmental Affairs Committee to take the lead on this issue.

Beyond the jurisdictional rationale behind this decision, the Democratic leader and I both had great confidence in the ability of its chair, Senator SUSAN COLLINS, and the ranking member, Senator JOE LIEBERMAN, to forge that strong bipartisan partnership to closely consult with the other key committees and to deliver a bill to the Senate floor in a deliberate, timely, and bipartisan manner.

To the Nation's great benefit, they succeeded. Over the August recess, the Congress held two dozen committee hearings. We went nonstop. There was no rest. There has been no break in consideration of this legislation since the 9/11 Commission report, even during every recess. Over this August recess, four committees heard testimony from a multiple of witnesses. We had hearings in the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each committee carefully examined the recommendations of the 9/11 report. Some prepared their own bills. Others had their own legislative priorities. Senators COLLINS and LIEBERMAN then pulled all of this information and all of these recommendations and proposals together and brought a bill to the Senate floor in early October. Major sections of the bill were improved by adding titles taken from a separate bill drafted by Senators MCCAIN and LIEBERMAN.

The McCain-Lieberman comprehensive bill included titles ranging from transportation and aviation security to foreign policy and diplomacy based on the recommendations proposed by the 9/11 Commission. Senator MCCAIN deserves great credit for being a driving force behind the establishment of this Commission and for making sure the Commission's recommendations were considered by the Senate.

The Collins-Lieberman bill was further improved by amendments offered by Senator JOHN WARNER to ensure the intelligence community's support for and link to the warfighter were sustained, by Senator PAT ROBERT to ensure the maximum efficiency and effectiveness of the new organization, and by other Members, such as Senator JON KYL, Senator LEVIN, and numerous others from both parties, to ensure that the Senate got this right.

After 2 weeks of negotiation, debate, and amendments, the Senate voted 96 to 2 on October 6 to overhaul the Nation's intelligence community. Just after that, the Senate passed another important measure that, as the 9/11 Commission urged, made critical reforms in the Senate, this institution's oversight of the intelligence community and homeland security. This effort was successfully led by Senator MCCONNELL and Senator REID, and we give our appreciation and thanks to them.

Today, after nearly 2 months of tough and rigorous negotiation with the House, long hours and long weekends poring over the legislative text, we stand on the verge of one of the most significant legislative accomplishments of this Congress. Senators COLLINS and LIEBERMAN and their staffs have, again, served the Senate well. They made tough concessions, but they did so by keeping our national security front and center at every moment. They labored tirelessly to get this bill done. I appreciate their sacrifice of many hours and weekends in service to our country.

Likewise, Speaker DENNY HASTERT has been constantly engaged in ever pushing Members and staff to reach a solution and to further improve the legislation. He has worked constantly on this bill since early October. Because of his leadership, Speaker HASTERT has earned wide respect for bringing this improved bill to the House floor, and because of his hard work it will easily enjoy majority support.

I must also underscore that none of this would be possible were it not for the superb and unflagging leadership of President Bush. His leadership was bold. His leadership called for meeting the greatest challenge of our time: fighting the war on terror. He has stressed to me personally, again and again, the importance of passing this piece of legislation. I commend the President on his steady commitment to make America safer. On the day of the attacks, President Bush recognized immediately that we were at war. Since then, he has made tough decisions. He has made good decisions. Every day, the President is following through to use the full range of our resources to combat the enemy.

In the 3 years since the 9/11 attacks, we have learned much about our Nation's vulnerabilities, our strengths, and the steps we must take to protect ourselves. During this time, the President and his Cabinet have instituted a number of reforms, changes, and initiatives that, as the 9/11 Commission reported, have made our Nation safer. The President made further refinements and reforms based on the findings of the 9/11 Commission. Many of these, such as making the Terrorist Threat Integration Center more capable and enhancing the powers of the DCI, were undertaken by Executive order in August of this year.

Finally, I wish to thank the real heroes behind this bill, the 9/11 families who pushed and persevered to get this bill done. They turned their personal tragedy into public action so we all could be safer. As public servant and fellow citizen, I salute these outstanding Americans.

Strengthening America at home and abroad, moving America forward in pursuit of freedom and prosperity, and protecting the American people and our homeland—these have been the driving motivations of the 108th Congress. I am very proud to have been a part of this effort. I am proud to have had that opportunity to lead the Senate during this momentous time.

There is more to do. There is much more to do. This is an ongoing process, and we will not rest until our enemy is vanquished. But in these final days, my fellow Americans can take note of and comfort in this historic achievement.

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

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, we have a little business to do before the Senate which has been cleared by both sides of the aisle. I ask unanimous consent we do that little piece of business, and then I will make my statement.

This is December 7. It is the anniversary of the attack on Pearl Harbor, the fateful day in 1941.

I ask unanimous consent we might do that.

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

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF PELELIU

Mr. BURNS. I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 102, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 102) recognizing the 60th anniversary of the battle of Peleliu and the end of the Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. This Senator recognizes a good friend of mine from Billings, MT who was involved in Peleliu with the U.S. Marine Corps.

I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

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

The joint resolution (H.J. Res. 102) was read the third time and passed.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 483, submitted earlier today by Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 483) expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

TO AUTHORIZE GRANTS TO ESTABLISH ACADEMIES FOR TEACHERS AND STUDENTS OF AMERICAN HISTORY AND CIVICS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5360, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.R. 5360) to authorize grants to establish academies for teachers and students for American history and civics, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

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

The bill (H.R. 5360) was read the third time and passed.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Mr. BURNS. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 2781.

There being no objection, the Presiding Officer (Mr. CORNYN) laid before the Senate the following message from the House of Representatives:

S. 2781

Resolved, That the bill from the Senate (S. 2781) entitled "An Act 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", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) **GOVERNMENT OF SUDAN.**—The term "Government of Sudan" means the National Congress Party, formerly known as the National Is-

lamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

(3) **JEM.**—The term "JEM" means the Justice and Equality Movement.

(4) **SLA.**—The term "SLA" means the Sudan Liberation Army.

(5) **SPLM.**—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring."

(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) **SUDAN PEACE ACT.**—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) **ACTIONS TO ADDRESS THE CONFLICT.**—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save

the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

(5) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

(C) encourage member states of the United Nations to—

(i) cease to import Sudanese oil; and

(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

(I) freeze the assets held by such individuals or businesses in each such member state; and

(II) restrict the entry or transit of such officials through each such member state;

(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) ASSISTANCE.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to

provide assistance for Sudan as authorized in paragraph (5) of this section—

“(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

“(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

“(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

“(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

“(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

“(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

“(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

“(3) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

“(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

“(i) \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

“(ii) \$200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term ‘Government of Sudan’ means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).”

(2) CONFORMING AMENDMENTS.—Section 3 of such Act (50 U.S.C. 1701 note) is amended—

(a) in paragraph (2), by striking “The” and inserting “Except as provided in section 12, the”;

(b) by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”

(b) REPORTING AMENDMENT.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by striking section 8 and inserting the following:

“SEC. 8. REPORTING REQUIREMENTS.

“(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

“(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

“(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

“(3) a description of the relationships between Sudan's arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

“(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

“(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

“(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

“(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).”

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act,

the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) **BLOCKING OF ASSETS.**—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(c) **WAIVER.**—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(d) **CONTINUATION OF RESTRICTIONS.**—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(e) **DETERMINATION.**—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

SEC. 7. ADDITIONAL AUTHORITIES.

Notwithstanding any other provision of law, the President is authorized to provide assistance, other than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking "Organization of African Unity" and inserting "African Union".

Mr. BURNS. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

COMMEMORATING THE TRICENTENARY OF THE BIRTH OF BENJAMIN FRANKLIN

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3204, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3204) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or de-

bate, and that any statements related to this bill be printed in the RECORD.

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

The bill (H.R. 3204) was read the third time and passed.

TO HONOR AND THANK ROBERT RAY HOWE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 484, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) to honor and thank Robert Ray Howe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 484) was agreed to, as follows:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

TREATING CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND AS CHURCH PLANS FOR THE PURPOSES OF CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5365, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BUNNING. Mr. President, I support H.R. 5365, a bill designed to ensure

that the thousands of pension plan participants and retirees for the YMCA continue to be able to count on their benefits, ensuring the pension plan may continue to operate as it has for over 80 years. The Senate passed my bill, S. 2589, by unanimous consent on July 14 of this year, and I am pleased that the House has recently passed H.R. 5365, which closely follows the direction of the Senate legislation. I worked together with fellow Senators, including Senator GRAHAM of Florida, to move this process toward today's hopeful conclusion. I want to stress that this effort has been a very bipartisan effort, in both the House and Senate, to produce a consensus solution and legislation.

I also thank Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS for their assistance in bringing this bill to the floor today.

This is a bill about protecting the retirement security for thousands of YMCA employees and retirees. I have heard from Kentucky YMCA leaders and employees—leaders such as R. Stephen Tarver of YMCA of Greater Louisville, Dean Ehrenheim of the Owensboro YMCA, and Kenneth Barnes, who runs the Chestnut Street YMCA in Louisville, and countless YMCA employees—about the importance of protecting retirement security. This legislation addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches. This legislation will ensure that the YMCA pension plan will be able to provide a secure retirement to the more than 80,000 plan participants.

I also thank the Treasury Department and IRS for their patience while the Congress worked through finding a solution to ensure the YMCA pension plan could continue to offer the benefits to its participants and retirees.

As I have stated, the YMCA pension plan is a very significant part of each YMCA employee's compensation package, most of whom are modestly paid. I have heard from many of the Kentucky YMCAs, and their employees, about the importance of this pension plan to their future. In Kentucky alone, there are 19 YMCAs with over 485,000 members, and 918 pension plan participants, retirees or past employees who have vested benefits. Today's legislation is vitally important to the each and every plan participant in Kentucky and their families, and more than 80,000 participants and retirees in the YMCA pension plan, offering them financial and retirement security for their long service on behalf of our Nation's YMCA.

In closing, I encourage all of my colleagues to support this bill, and I am pleased that we are moving forward with this legislation today and look forward to its enactment soon.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5365) was read the third time and passed.

PEARL HARBOR DAY

Mr. BURNS. Mr. President, where were you on December 7, 1941? There are some of us who can remember that day. I was around 6 or 7 years old. I remember being on that small farm where I was raised. We were doing the evening chores when my mother—we did not have electricity in those days so you had a battery-operated radio and you did not turn on the radio until the evening. But mom had turned on the radio and the newscast was that Japan had attacked the United States at Pearl Harbor. When she told dad about that—I remember dad had two feed buckets in his hands—he said: “Where in the world is Pearl Harbor?” We did not even know where it was.

At 6 o'clock in the morning, Pearl Harbor time, 183 Japanese aircraft were launched from six major fleet carriers and flew toward Oahu. At 7:02 a.m. Honolulu time, the Japanese aircraft were spotted on their approach to Oahu, and they were mistaken for a flight of B-17 Flying Fortresses on an approach to the islands. At 7:15 a.m., a second wave of 167 Japanese planes departed the fleet carriers for Pearl Harbor. At 7:55 a.m., the attack on Pearl Harbor began, with the first Japanese dive-bomber appearing over Pearl Harbor. It was followed by a first wave of nearly 200 aircraft, including torpedo planes, bombers, and fighters.

The ships in our fleet were sitting ducks, all gathered up in one place. The anchored ships in the harbor made perfect targets for those bombers, and since it was Sunday morning—a time chosen by the Japanese for maximum surprise—they were not fully manned. In fact, back in those days in the Navy, half of the crew on the ships was on liberty.

Most of the damage to the battleships was inflicted in the first 30 minutes of the assault. The *Arizona*, which still lies in state, so to speak, at that harbor, sank. The *Oklahoma* was captured. The *California*, *Nevada*, and *West Virginia* sank in shallow water. In all, more than 180 aircraft were destroyed. U.S. military casualties totaled about 3,400.

That was a fateful day in 1941. Tied up to the *Arizona* was a ship, the *USS Vestal*. A good friend of mine, a member of our church, and his two brothers were on that ship. It was a repair ship. They were working on the *Arizona*. He said he remembers that day like it was yesterday. Glenn Sahlgren is gone now. I spent many hours on the Big Horn River fishing with him. I told him: When they find our bones one of these days, they will be down here on this river with a fly pole in our hand. He said: CONRAD, every day since Decem-

ber 8, 1941, has been a bonus to me. He and his two brothers were raised in Saco, MT. All three of them were in the Navy and on that ship, and it too sank. All three survived that fateful morning.

They were young Americans, hit by surprise. Now we are talking about another intelligence bill on the heels of 9/11. There were 3,581 killed, missing, and wounded. In my State alone, on the *USS Arizona*, Montana lost seven of its finest: Lloyd Daniel, Jerald Dillum, Joseph Marling, Earl Morrison, Robert Pearson, Harold Scilley, and George Smart.

Of course, that attack launched America into World War II where it suffered even more losses. Thousands of men and women died in World War II, but it changed the face of the world and gave us the freedoms we enjoy today. None of us here earned those; we inherited them. What Tom Brokaw called “the greatest generation” is a true statement. For after that attack, this country bound up its wounds and didn't look back. We honored those who were lost, and we built a better peace.

As this holiday season approaches and we gather around friends and family, it is important that we count our blessings. Most of those blessings were inherited and not earned. We remember those who went before us. We turn to this holiday and think about those families who are missing someone either because a family member died for their country or he or she is standing tall on foreign soil around the world.

One characteristic about Americans, we have always thought about the next generation. Those who answered the call in 1941 knew full well it was worth the sacrifice so that their families, their children and grandchildren, would never be vulnerable to anything like that again. We are witnessing today's greatest generation also. They understand the risk and the mission, but they also understand their families and what this great country stands for—we tend to forget that every now and again—because they, too, think it is worth the sacrifice so their children and grandchildren will not live under the pall of terrorism, perpetrated on the world from the shadows by faceless people. Today we have brave military men and women again, just as those who have gone before them, standing on alert, securing our freedoms, guarding the innocent abroad. I salute their bravery and their sacrifice, and I ask my colleagues to do the same.

This December 7 is a reminder of where we have been, how we reacted, what we have done, and the challenges to be faced in the future by young folks who are willing to pay the price.

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

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

TRIBUTE TO LES BROWNLEE

Mr. INHOFE. Mr. President, I wish to take a few minutes to speak about a truly remarkable American who, after serving his country with remarkable competence and quiet excellence, has moved on with little fanfare.

I am talking about Les Brownlee, a man we worked with very closely for a long period of time. So often you learn to love these people when you work with them over the years, and then they move on and you prepare to miss them, as we will.

Les Brownlee would probably not want me to talk about him. He normally avoids that type of thing. He shunned public recognition for his achievements, while compiling a stellar record of support and leadership for the men and women of the U.S. Army.

Mr. Brownlee was a highly decorated Vietnam veteran and executive officer to Army Under Secretary James Ambrose when he retired as a colonel in the U.S. Army in 1984. The experience he gained during his time in uniform made him an attractive candidate to advise my colleague from Virginia, Senator WARNER.

Mr. Brownlee served on Senator WARNER's staff for several years before joining the Senate Armed Services Committee as a professional staff member, where I worked with him for 7 years. From 1994, when I first came from the House to the Senate, until 2001, when he accepted a job as Under Secretary of the Army, Mr. Brownlee proved his expertise again and again while deflecting the accolades he deserved.

It is hard to conceive of a more tumultuous time for an acting Secretary of the Army to hold that position. From the events of 9/11, which helped convince Mr. Brownlee to take the Under Secretary position, to the campaigns of Afghanistan and Iraq, to the myriad challenges faced by the Army today, these times are like no other. In the face of these daunting events, Mr. Brownlee provided incredibly strong leadership from the top without losing touch with the personal integrity that characterizes the finest members of the Army he oversaw. Moreover, while executing the high-level concerns of his office, he also worked to ensure that the pressing needs of individual soldiers were met. He reflected on the old days, and he knew he had the instinct as to what those needs were. I am thinking particularly of the need for more and better body armor for our troops.

My only disappointment now is that Mr. Brownlee is moving on. It is clear his successors will have big shoes to fill, and the trajectory that Mr. Brownlee set for the service and coordination with the Secretary of Defense

and Joint Chiefs is one that will lead to transformation and victory in our current engagements and dominance in the decades to come. Perhaps more importantly, Mr. Brownlee has established a gold standard for character to which all of our military personnel should aspire.

I thank him for his service, the time he spent, and the dedication and commitment he made to his country.

HONORING OUR ARMED FORCES

LANCE CORPORAL LAMONT NOEL WILSON

Mr. INHOFE. Mr. President, I stand today to honor a brave young American who gave his life defending our Nation. He felt a call to serve his country, to be part of something bigger than himself, and, ultimately, paid the highest price.

LCpl Lamont Wilson, of Lawton, OK, was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, from Camp Pendleton, CA. His parents, Lanny and Florence Wilson, still live in Lawton, where he graduated from Eisenhower High School in 2003. By June, he was already serving as a marine, fulfilling a military dream Lamont kept alive since childhood. When asked why he joined the Marines, Lamont explained it was to make his father proud.

On September 6, in Fallujah, Lamont was killed in combat. He gave his life for the freedom of millions of Americans and also for the peace and prosperity of the Iraqi people crippled by a totalitarian regime. His funeral, held at St. John's Missionary Baptist Church in Lawton, was a joyous celebration of Lamont's life and service to God and country. Although the loss of this young man is a loss we all feel, our thoughts and prayers are especially with his family and friends.

Lamont's dedicated service showed the spirit that drives us to fight oppression around the world. He knew that he and his fellow marines were fighting to protect America, to keep their Nation safe. The way Lamont signed letters he wrote home—"Sleep Well, America"—embodied the noble spirit of sacrifice in the hearts of the men and women in our Armed Forces. It is for men like Lance Corporal Wilson that I am proud to be a part of this great country. He was a special marine but, more importantly, a special man.

Several of us who have spent time over in Afghanistan and Iraq have talked to these young people there, the young troops. They sometimes ask the question: Why is it that people don't appreciate us? It is because they get kind of a perverted media over there that doesn't really understand what the war is all about. I gave them my assurance that we understand the sacrifices they make, that we are at the most threatened position today this country has ever been in, and it is people like you who are keeping and preserving our freedom.

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

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

BRIGADIER GENERAL CHARLES "BEN" ALLEN

Mr. INHOFE. Mr. President, it is not very often that one has the opportunity to talk about someone they knew personally. We have so many fallen heroes in Iraq and in this war on terror. Those who have spent any time on the Armed Services Committee know that right now we are in the most threatened position our country has ever been in.

Today, I honor the memory of a really remarkable man whom I had the honor of meeting. In fact, I had the honor of meeting this man over in Iraq. It was around the time the U.N. building was bombed and I happened to be there at the time. He was over there with General Griffin, and I am speaking of BG Charles "Ben" Allen. He was a classic Oklahoman, a hard worker and leader who was dedicated to his family, his faith, and his country.

General Allen was an assistant commander in the 4th Infantry Division and was killed along with six other soldiers in the Blackhawk helicopter crash in central Texas.

Although he was born in Alaska, Ben Allen grew up in the Lawton/Fort Sill, OK, area, an Army town where the artillery is king of battle and familiar to all.

The son of an Army colonel, he graduated from Eisenhower High School in Lawton and went on to study at Lawton's Cameron University where he graduated from the ROTC program and was commissioned into the artillery.

General Allen's career was a long and distinguished one and included assignments with the 9th Infantry Division at Fort Lewis, WA, the 70th Field Artillery Detachment in Greece, the 7th Infantry Division at Fort Ord, CA, and the 9th Field Artillery in Heilbronn, Germany, the 101st Airborne Division at Fort Campbell, KY, where he was the operations officer for division artillery during Desert Shield and Desert Storm, and the 24th and 3rd Infantry Divisions at Fort Stewart, GA.

Allen then served as the J5 Balkans Branch Chief for the Joint staff at the Pentagon, after which he commanded the 4th Infantry Division's artillery and served in several positions under the Army deputy chief of staff for programming before returning to the 4th ID.

It is often said that when a soldier chooses a branch of service, he also is choosing the hometown of his future wife. Ben changed the order of that expectation. He and Cindy were college sweethearts at Cameron. In college,

Cindy was a serious student who shared Ben's competitive spirit. For fun, the couple would compete for the highest GPA.

When Ben graduated from Cameron's ROTC program, he asked Cindy to marry him. She has been a partner, a friend, and a source of strength and truth, a cherished wife and beloved mother.

Cindy is a teacher by trade. For her, life in the military was a positive challenge which she took on with the same focused energy Ben showed whenever the Allens arrived at the new assignment. Cindy educated herself about each new duty assignment. She managed each move in an organized and disciplined way.

A lot of people do not understand what this is like for a family to be moved around this way, but Cindy handled it very well. Her leadership, responsibility, duty, love, and calm made her the perfect partner in life and love for this soldier. Even in this dark hour, Cindy is strong, dignified, and helping others cope with their losses as well.

Although General Allen was a man who faced the foes of the world with steely resolve, he stood no chance when it came to his only daughter, Laura, who is a 20-year-old student at George Mason University. Ben and Laura had a special father-daughter relationship fortified by great humor, warmth, understanding, and natural affection, a bond that will endure in her heart forever. She will always be his little girl.

I remember talking to him about this because my youngest daughter Katie and I also have that. To this day, I still call her my little girl. That is the relationship Ben had with Laura.

As the saying goes, like father like son, we likewise send our heartfelt condolences to General Allen's son Brian who is attending the University of Virginia on an ROTC scholarship. So we are talking now about the third generation. Brian and Ben shared many great times together watching their favorite teams, the Boston Red Sox and the Dallas Cowboys, and of course the University of Oklahoma, the No. 1 team in the Nation.

Whatever career path Brian chooses, he will have the life and accomplishments of a great and courageous man to serve as a bright and shining example for selfless service.

I will also share several thoughts about GEN Ben Allen that I have heard from some of my constituents who knew him. Many of these folks attended the memorial service held yesterday at Fort Sill. I was unable to be there because of votes here but I believe their comments say even more about the man, Ben Allen, than the long record of honorable service I just read.

Here are their words:

Ben Allen was known to be a soldier's soldier. He cared about his troops and he enthusiastically led his troops to achieve victory both on and off the battlefield. He was also a soldier's son. Ben was the beloved son of a career Army officer.

His father was a colonel.

Ben had a special talent for maintaining friendships. When he arrived at new duty stations, he made a special effort to seek out and reconnect with friends and colleagues from previous assignments. Whether on the golf course or standing on the bank of one of his favorite fishing holes, Ben could make you feel as though only days had passed since he last saw you.

Ben was a man of faith, with a great sense of humor. He worked hard and expected the best from himself and from his troops. He loved his family, the Army, his life, and his country.

One friend suggested that this quotation from John Ruskin would be fitting in describing the way Ben Allen lived his life:

This a good and safe rule to sojourn in many places, as if you meant to spend your life there, never omitting an opportunity of doing a kindness or speaking a true word or making a friend.

In this time of trouble and tragedy, we remember and pay tribute to General Allen and also to the many other Americans who do dangerous work not only overseas in places such as Iraq and Afghanistan, but within our own borders. Soldiering is a risky job. I am a veteran of the U.S. Army. I know there is no time you are not risking your life if you take this career. We should be grateful there are people like General Allen, people committed to defending freedom and truth, who are willing to take those risks on our behalf.

We remember Cindy, Brian, and Laura Allen, as well as General Allen's mother, Christine Allen Harper. We grieve for them, for their fallen husband and father and son. In his life and his death he set a high standard for all of us to follow. As we travel onward together, we will never forget BG Charles "Ben" Allen.

I know it is unusual to say something like this, but I have had occasion, just in the last few minutes, to talk to his wife Cindy. I recall something that he said to me when we were together over in Iraq. I said to him, "Do you know Jesus?"

He was very straightforward, and he said, "Yes."

I talked to his wife about that. There was no doubt in his mind. For some who do not understand this, if you are a man of faith like Ben, we can assure you it is not: Goodbye, Ben. He is with Jesus now. It is: So long, we will see you soon.

CORPORAL BRYAN WILSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Otterbein, IN. Corporal Bryan Wilson, twenty-two years old, died on December 1 as a result of injuries sustained in a Humvee crash in the Al Anbar Province. With his entire life before him, Bryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Seeger Memorial High School in 2001, Bryan joined

the Marines. His mother-in-law, Linda, told the Lafayette Journal & Courier that Bryan "knew when he graduated that he was going to be a Marine . . . He was very brave, and we're so proud of him. He made the ultimate sacrifice for all of us."

Bryan was the fortieth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. This brave young soldier leaves behind his wife Samantha; his parents Charles and Brenda Wilson; his brothers Lonnie and Adam; and his 20-month-old daughter Breanne. May Bryan's daughter grow up knowing that her father fought bravely, giving his own life so that young Iraqis can some day know the freedom she enjoys.

Today, I join Bryan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bryan, a memory that will burn brightly during these continuing days of conflict and grief.

Bryan was known for his dedication to serving others and his love of family and country. When looking back on Bryan's life, his wife Samantha told the Associated Press that he had been determined to serve his country and that "he would never have changed his mind about going." Today and always, Bryan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bryan Wilson in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bryan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory;

and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

LANCE CORPORAL ADAM R. BROOKS, USMC

Mr. GREGG. Mr. President, I rise today to remember and honor LCpl Adam R. Brooks of Manchester, NH for his service and supreme sacrifice for his country.

Lance Corporal Brooks demonstrated a willingness and dedication to serve and defend his country by joining the United States Marine Corps. His enthusiasm and devotion to service were indicated early on by his decision to enlist in the Delayed Entry Program which obligated him to the Marines well before he graduated from Central High School in 2003. Just as many of America's heroes have taken up arms in the face of dire threats, Adam, too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Adam reported to recruit training at Marine Corps Recruit Depot Parris Island in August 2003. Following his basic training, he volunteered for and received further training as a rifleman in the infantry. Upon completion of this training, he became a member of 1st Battalion, 2d Marines, 2d Marine Division. From this unit's home base in Camp Lejeune, NC, he would deploy to Iraq in pursuit of those who would threaten our way of life.

Tragically, on November 28, 2004, Lance Corporal Brooks gave his last full measure for our Nation during combat with the enemy in the Babil Province of Iraq. Throughout his short career, Adam earned a series of accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow Marines, and his country. Adam's hard work and dedication contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Adam was recognized for his service by the Purple Heart Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Sea Service Deployment Ribbon.

My condolences and prayers go out to Adam's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their Marine, Lance Corporal Adam R. Brooks. Adam exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new

world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, General John Stark, reminded us of the price of our liberties with his admonishment to "live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SPC Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001 and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a military policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Specialist Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST DARYL DAVIS

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a heroic American, SPC Daryl Davis, a fellow Iowan originally from Spencer, IA. A member of the 144th Transportation Company of the Florida Army National Guard, Specialist Davis was killed November 29, 2004 when his Humvee was involved

in an accident traveling between military camps in Iraq. Specialist Davis was serving as a gunner when the accident occurred. Daryl Davis graduated from Spencer High school and enlisted in the Iowa National Guard at age 17 before transferring to Florida earlier this year. Specialist Davis is survived by his mother and father, Dana Davis and Richard Rosado, as well as two brothers. I know that he will be deeply missed by his family and friends. My thoughts and prayers are with them.

I ask my colleagues in the Senate and my fellow Americans to join me in remembering Specialist Davis and the enormous sacrifice he made for his country. Many people thought very highly of Specialist Davis and he will always be remembered for his willingness to serve others. The United States owes its continued prosperity to Specialist Davis and others like him who are willing to advance our ideals at great personal cost. Daryl Davis will be remembered as a great patriot and it is fitting that we honor him today.

MARINE SERGEANT NICK NOLTE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nick Nolte of Falls City, NE, a sergeant in the United States Marine Corps. Sergeant Nolte died November 24, 2004 at the Walter Reed Army Medical Center from wounds he received on November 9 when his Humvee drove over a bomb near Baghdad, Iraq. He was 25 years old.

Sergeant Nolte graduated from Falls City Sacred Heart High School in 1998. After graduating, he enlisted in the U.S. Marine Corps and became a member of the Presidential Helicopter Squadron HMX-1, guarding Presidents Clinton and Bush. In June 2004, Nolte joined Operation Iraqi Freedom as a rifleman, Marine and personal security expert. Sergeant Nolte will be remembered as a loyal Marine who believed in his mission and who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Nolte are currently serving in Iraq.

Sergeant Nolte is survived by his mother, Anita Nolte; his wife, Melina and 3-year-old daughter, Alanna of Cherry Point, NC and sister, Jessica Nolte of Omaha. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Nick Nolte's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Nick Nolte.

STAFF SERGEANT ROBERT S. DOUGHTY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentucky hero, SSG Robert S. Doughty. Sergeant Doughty, an 11-year-veteran of the U.S. Army and from Paducah, KY, went to Iraq last spring as a member of the 3rd Battalion, 5th Special Forces Group. On July 8, 2004, Sergeant Doughty was riding in the passenger seat of a Humvee deep in the Sunni Triangle.

His team's mission was to deliver laptop computers and a new vehicle to another Special Forces team. They didn't make it.

A 155mm-mortar struck Sergeant Doughty's vehicle. Shrapnel tore through both of his legs. Two medics began treating him immediately, and Sergeant Doughty believes they saved his life by preventing him from bleeding to death. He was rushed by helicopter to a surgical hospital in Balad, Iraq, then to Germany, and finally to Walter Reed Army Medical Center here in the Nation's Capital. Doctors were able to save his life, but not his legs.

Sergeant Doughty's incredible courage has not diminished one iota since that July day. Two months to the day of that vicious attack, he stood for the first time on two prosthetic legs. Since then, he has graduated from using a walker to crutches to canes, and intends to walk without difficulty by Christmas. I have no doubt he will succeed.

I had the pleasure of meeting Sergeant Doughty and his family in my office on September 9. I told him how grateful America is for his service to our country. This amazing man has not let his injury hamper his love for his country, her military, or the cause of freedom and justice we fight for in Iraq. If he could, he would go back. He serves as a model of heroism to us all.

Today I ask my colleagues to join me in honoring SSG Robert S. Doughty for his supreme valor. My prayers, and those of millions of grateful Americans, are with him as he recovers from his injuries. With other fine men and women like him in our Armed Forces, we are sure to succeed as we continue ridding the newly liberated Iraq of the terrorists trying to drive that country back into the hands of tyranny.

LCPL JOSEPH WELKE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to LCpl Joseph T. Welke, a resident of Rapid City, SD who died on November 20, 2004, while serving in Operation Iraqi Freedom.

Lance Corporal Welke was a member of the 3rd Battalion of the 1st Marine Regiment based out of Camp Pendleton, CA. He was killed while fighting insurgents in Fallujah, Iraq.

Answering America's call to the military, Lance Corporal Welke joined the Marines after graduating from Rapid City Stevens High School in 2003. As a fullback for the varsity football team, Joe earned Greater Dakota All Conference team honors. He enjoyed riding his motorcycle and spending time with his family. Friends and family remember him as having a love for life and as an inspiration to all those who knew him best.

Lance Corporal Welke served our country and, as a hero, died fighting for it. He served as model of the loyalty and dedication that comes with preservation of freedom. The thoughts and prayers of my family, as well as the rest of the country, are with his family during this time of mourning.

Our thoughts continue to be with all of those families with loved ones serving overseas.

Lance Corporal Welke led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Lance Corporal Welke's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and family.

Mr. President, I join with all South Dakotans in expressing my sympathies to the friends and family of LCpl Joseph Welke. I know that he will always be missed, but his service to our Nation will never be forgotten.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mr. LEAHY. Of course I yield for that purpose.

Mr. DORGAN. I ask unanimous consent to be recognized following the presentation by Senator LEAHY.

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

The Senator from Vermont is recognized.

NOMINATION OF ALBERTO GONZALES TO BE ATTORNEY GENERAL

Mr. LEAHY. Mr. President, soon after we return in January, the Senate Judiciary Committee will begin consideration of the nomination of Alberto Gonzales for the position of Attorney General of the United States. I met with Judge Gonzales on November 17, soon after his designation as the President's nominee. I had that meeting in preparation for our hearings. I look forward to working with Senator SPECTER and the other members of the Judiciary Committee to assure a prompt and fair and thorough hearing on this important nomination in early January.

There is no secret that Judge Gonzales will be called upon to explain not only his vision of what the role of the Attorney General should be, but also how he would distinguish it from that of the White House Counsel. And he is also going to be asked about the role he has played in formulating the administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.

The scandal of Abu Ghraib, allegations of mistreatment in Guantanamo, investigations and charges from cases in Iraq and Afghanistan are serious matters. There are lingering questions. There is unresolved accountability left in their wake.

The Bush administration circled the wagons long ago. It has continually maintained that the abuses were simply the work of a few bad apples. But we know that the photos from Abu Ghraib do not depict an isolated incident. Abuses have occurred in many locations, including Afghanistan, Guantanamo Bay, and in a number of other facilities within Iraq.

I have long said that somewhere in the upper reaches of the executive branch, a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know the responsibility for abuse runs very high into the chain of command. Senior officials in the White House, the Justice Department, and the Pentagon set in motion a systematic effort to minimize, distort, and even ignore laws, policies, and agreements on torture and the treatment of prisoners. Defense Secretary Rumsfeld and later LTG Ricardo Sanchez authorized the use of techniques that were contrary to both U.S. military manuals and international law.

Former CIA Director Tenet requested, and Secretary Rumsfeld approved, the secret detention of a ghost detainee in Iraq so he could be hidden from the International Committee of the Red Cross.

These issues, especially when they involve the greatest democracy history has known, are a significant concern. But there are also issues in which the administration has been far less than forthcoming. In letters dated May 17 and June 15 of this year, long before the fall elections, long before the resignation of John Ashcroft, and long before he was designated by the President as nominee, I asked Judge Gonzales to describe his role in both the interpretation of the law and the development of policies that led to what I and many others considered to have been a disregard for the rule of law. Those letters of May 17 and June 15 remain unanswered as of today.

I have repeatedly emphasized to Judge Gonzales the need for responsiveness and accountability in these matters. Last Friday, I sent Judge Gonzales a letter reiterating my concerns. I emphasized the importance of full disclosure during this confirmation process.

I urge him to cooperate, to cooperate now with all members of the Judiciary Committee on both sides of the aisle on the full range of issues of oversight and accountability that come before us. That is something his predecessor did not do. That lack of oversight on the part of the Senate, the lack of accountability and lack of responsiveness on the part of the administration, should not continue.

I ask unanimous consent to have my December 3, 2004, letter to Judge Gonzales printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 3, 2004.

Hon. ALBERTO R. GONZALES,
Counsel to the President, the White House,
Washington, DC.

DEAR JUDGE GONZALES: I enjoyed our preliminary meeting and look forward to your confirmation hearings. In following up on our meeting, and to give you and your staff ample opportunity to prepare for the hearings, I write to reiterate several concerns that I have raised in prior discussions and correspondence. When we met on November 17, 2004, I said that these issues will be raised, by myself and other members of the Senate Judiciary Committee, during the upcoming hearings. Based on our conversation, I am encouraged by your willingness to answer questions about your role and your views in these matters.

Photographs and reports of prisoner abuse in Iraq and other locations show an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions. In addition to the abhorrent images from the Abu Ghraib prison that were published last spring, actions that have occurred with Administration approval include the forcible rendition of individuals to nations where they may face torture, and the hiding of "ghost detainees" from the International Committee of the Red Cross. Reports of abuse continue to emerge. Just this week, The New York Times reported that the Red Cross has charged U.S. military authorities with using physical and psychological coercion "tantamount to torture" on prisoners at Guantanamo Bay. The Washington Post is reporting that in December 2003 Army generals in Iraq were warned in a confidential report that members of an elite military and CIA task force were abusing detainees. According to The Post, the report concluded that certain arrest and detention practices could be deemed to be "technically" illegal.

In letters dated May 17 and June 15 of this year, I asked you to describe your role in both the interpretation of the law and the development of policies that led to what I and many others consider to have been a disregard for the rule of law. These letters remain unanswered.

My concerns regarding the abuse of prisoners in U.S. custody did not begin with these letters. I have been seeking answers from the Administration for well over a year, before the abuses at Abu Ghraib came to light. In a very few cases my questions were answered, but with information that later proved to be less than accurate. For example, in a news conference on June 22, 2004, you stated, "In Iraq, it has always been U.S. position that Geneva applies. From the early days of the conflict, both the White House and the Department of Defense have been very public and clear about that."

However, an October 24, 2004, article in The Washington Post revealed yet another Justice Department memo authorizing actions that potentially violate the Geneva Conventions. The draft memo, dated March 19, 2004, apparently was written to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. According to the memo's cover letter, it was drafted at your request.

In another example, a June 25, 2003, letter from Department of Defense General Counsel William Haynes stated that the United States was adhering to its international obligations including those under the Convention Against Torture. We later learned of an August 1, 2002, Department of Justice memorandum that twisted the definition of torture in unrecognizable ways. That memo was addressed to your. We also learned months

later of the rendition of a Canadian-Syrian citizen to Syria, despite his fear of being tortured there, and despite the Syrian government's well-documented history of torture. Unnamed CIA officials told the press that this man was in fact tortured in Syria.

The Committee and the Senate will want to know your role in these situations and your views with regard to the development of the legal justifications that appear to underlie so many of these actions. You will be called upon to explain in detail your role in developing policies related to the interrogation and treatment of foreign prisoners. The American public and the Senate that will be called upon to confirm your appointment deserve to know how a potential Attorney General, the chief law enforcement officer in the nation, will interpret and enforce the laws and how you will develop policy.

We want to know what the current policy on torture is, but since the Administration disavowed the August 1, 2002, memo, no public statement of policy has replaced it. Questions remain unanswered on a host of issues. Requests to the White House and the Department of Justice for relevant documents—including my requests to you in May and June of this year—have been ignored or rejected. I urge you and the Administration to provide the documents that have been requested by myself and others without further delay so that the hearings will be well informed.

Another key concern you will be called upon to discuss is how you view the duties and responsibilities of the Attorney General. As we discussed, I view the White House Counsel position and that of the Attorney General as quite distinct. You may well have viewed this President as your "client" while serving him at the White House, although the courts do not recognize an attorney-client privilege in that setting. We will want to know how differently you will act and view your responsibilities as the Attorney General of the United States.

Finally, I encourage you to commit to cooperating with all members of the Judiciary Committee on issues of oversight and accountability. In the 108th Congress, the Judiciary Committee failed to fulfill its oversight responsibilities. Accountability and improving government performance are sound and long established purposes of congressional oversight, and accountability has been lacking on these and other crucial issues. With a new Congress, and a new Attorney General, I expect a return to the diligent oversight envisioned by our Founders to ensure that the Executive Branch remains accountable to the American people.

Our meeting was a constructive beginning at the start of the confirmation process, and I look forward to your hearing early next month. In the meantime, Marcelle and I send our best wishes to you and your family and hope that you have a restful and rewarding holiday season.

Sincerely,

PATRICK LEAHY,
Ranking Democratic Member.

Mr. LEAHY. Mr. President, I yield the floor. I see the distinguished Senator from North Dakota now seeking the floor.

The PRESIDING OFFICER. Under the previous unanimous consent, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me ask consent to speak for 20 minutes in morning business.

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

SALE OF AGRICULTURAL GOODS TO CUBA

Mr. DORGAN. Mr. President, I want to speak today about several items, the first of which is the sale of agricultural goods to Cuba.

Some years ago, Attorney General John Ashcroft, who then was a U.S. Senator, and I, offered an amendment that opened the opportunity to sell agricultural commodities into the Cuban marketplace. For over 40 years that marketplace had been closed to American farmers because of an embargo.

The bill that Congress passed was called the Trade Sanctions Reform and Export Enhancement Act of 2000. It permitted agricultural sales to Cuba on the condition that the Cubans had to use cash in order to purchase agricultural commodities from this country. We have now sold over \$900 million worth of farm commodities to the Cuban marketplace for cash. In fact, about 1½ or 2 years ago, 22 train carloads of dried peas left North Dakota to be shipped into the Cuban marketplace—the first time in 42 years our farmers had an opportunity to sell into this market that the Canadians and the Europeans had been selling into all along.

That is what we did in the legislation. I felt that having an embargo on food shipments to Cuba all those years was wrong. It didn't affect Fidel Castro. We tried to injure Fidel Castro by slapping on this embargo which included food and medicine, which I thought was an insidious policy. It didn't hurt Fidel Castro. He never missed a breakfast, lunch, or dinner because we were not able to sell food into Cuba.

The same is true with travel restrictions. We prohibited Americans from traveling into Cuba except for those who are able to get a license from the Treasury Department, which is increasingly difficult to do. Restricting the American people's right to travel is not hurting Fidel Castro. It simply injures the American people. We can travel in Communist China and in Communist Vietnam but we can't travel in Cuba. I have held up a picture on the floor of the Senate of Joni Scott. She went to Cuba to distribute free Bibles. This administration's Treasury Department tracked her down and said we are going to try to slap a \$10,000 fine on you for distributing free Bibles in Cuba. I have also shown the picture of Joan Slote, a retired senior Olympian in her midseventies. She went to ride a bicycle in Cuba with a Canadian group. The Treasury tracked her down even as she was dealing with her son's brain cancer and slapped a fine on her and threatened, by the way, to seize her Social Security payments.

It is outrageous what this policy has been with respect to Cuba. But we had a small victory when Senator Ashcroft and I were able to change the law so that our farmers and ranchers could sell into the Cuban marketplace. Since then we have sold \$900 million of agricultural commodities for cash to Cuba.

In recent weeks something else has happened. It is apparent this administration is fighting every possible way to shut down the opportunities of farmers and ranchers to sell into the Cuban marketplace. Here is a new way. This chart shows part of the Trade Sanctions Reform and Export Enhancement Act of 2000 legislation. Here are the words that stipulate that the Cubans must pay "cash in advance" for food they purchase. And that is exactly what the Cubans have done for about \$900 million in shipments so far. But someone at Treasury took a look at this, and said, You know, there is a way to interpret these words to shut down these shipments even tighter. We will interpret cash in advance to mean the cash must be received by the exporter before anything can be shipped toward Cuba.

That is much different from the way the term cash in advance has been generally understood by the export community and the way I as an author would have understood what we meant. Up to now, cash in advance meant that you must pay cash before you take receipt of the product. That ship goes to Cuba with dried peas, or wheat, or flour, or beef. Before it is offloaded and the Cubans take possession, they must pay cash to the seller. It is very simple. You pay cash before you take possession of the product.

The Treasury Department has now found a way to say, Not good enough. The way sales have been made to Cuba for the past three years is not what the Treasury thinks the legislation says. We insist that the phrase cash in advance means you pay cash before anything gets loaded on the ship.

What is this about? It is about someone down at the Treasury Department who has decided they have found another way to see if they can stop our farmers and ranchers from selling into the Cuban marketplace. I was an author of the legislation, and they need to understand that I knew what I was doing, and I believe my colleague Senator Ashcroft and others in the Congress knew what they were doing. We were trying to provide access to the Cuban marketplace.

This country has now said for almost two dozen years the way to move Communist countries such as China and Vietnam toward greater human rights is through more trade and travel engagement to move them in the right direction. We have said that with China and with Vietnam, both Communist countries. The exception is Cuba. They say if we begin to allow people to travel in Cuba, to trade with Cuba, somehow that is pernicious and moves in the wrong direction.

At some point you have to say that is an argument that is completely devoid of common sense. But Congress has already acted on this. The Congress said it is all right and we believe we should be able to trade with Cuba provided that sale is for cash. The Cubans buy agricultural commodities from us.

They pay for it through a European bank with cash so that no direct transfer of funds from Cuba to a U.S. institution. And now there is someone who has found a way to restrict this, to try to interrupt rice shipments and other shipments to Cuba.

The farm community was caught unaware by this issue. I was unaware of it. Once we discovered it, I called people in the Bush administration to ask, What on earth are you doing this time? Can't you get it straight that this Congress has already said this is the law, this is the way the law reads? I have asked, by the way, the Inspector General at the Department of the Treasury to investigate what OFAC—called the Office of Foreign Assets Control—is doing here. Essentially, the Office of Foreign Assets Control at Treasury is supposed to be tracking money to terrorists. They are supposed to be shutting down the funding for Osama bin Laden. They are supposed to be tracking the network of funds around the world that finances terrorism.

But what are the people at OFAC doing? They are tracking down Joan Slote and Joni Scott who traveled to Cuba to ride bicycles and distribute free Bibles. They are spending time trying to figure out how they can reinterpret Federal law to try to put a wrench in the crankcase of farmers and ranchers who are trying to sell into the Cuban marketplace. They ought to be ashamed of themselves down at OFAC. They know better than that.

When Secretary of Treasury O'Neill testified at a hearing a couple of years ago, I asked him repeatedly about this. He finally answered, but he didn't want to. I asked him, Wouldn't you, with some common sense, much rather use your assets in OFAC to track the financing of terrorists than track Americans who are suspected of taking a vacation in Cuba? Finally, he said, Sure, sure.

The OFAC is not a very big agency. But they have over 20 people who are tracking this Cuba issue trying to nab an American person who is suspected of taking vacations in Cuba or trying to find ways to reinterpret the law to shut down agricultural trade to Cuba. They have more people doing that than they have tracking Osama bin Laden, and trying to shut down Osama bin Laden's network of funding to support his terrorist activity.

OFAC ought to be ashamed. What a false choice for the security of this country. And what a false choice for the welfare and benefit of family farmers and ranchers, just like the Europeans and Canadians and others who have access to this marketplace. My hope is they will have a meeting in the administration. My understanding is they had one late yesterday afternoon, or will have one today, and perhaps some common sense will prevail. If not, we will find a way here on the floor of the Congress to see if we can't make the right thing happen and perhaps force them to use their resources—or

perhaps if they are misusing their resources, to diminish the resources they have.

In any event, we have a significant problem in agricultural trade.

Ten years ago, we had a \$25 billion agricultural trade surplus. This year, it is \$9 billion. It shrank from \$25 billion to \$9 billion, and next year it is expected to be zero. For the first time in over 50 years we will not have a surplus in agricultural trade, according to the estimates in the administration.

If that is the case, why are they trying to shut down our sales of agricultural product to Cuba? It doesn't make sense at all to me.

I hope those in the administration who have done this and who think that redefining the meaning of cash in advance is a genius scheme to try to thwart the will of Congress will think through it more clearly and understand it is a harebrained scheme that doesn't comport at all with the law. My hope is they will finally get that message.

TRADE ISSUES

Mr. DORGAN. Mr. President, let me mention a couple of other trade issues because I think they are critically important. I am going to spend a great deal of time on trade issues in this coming session of Congress. We have the largest trade deficit in the history of the country. That translates into lost jobs and lost opportunity for our country. This town is completely brain dead on trade issues.

We can start with the Washington Post and the major news outlets. They do not cover trade or care about it, and if they cover it at all, they only cover one side, and that is the side of so-called free trade. Let me tell you where the so-called mantra of free trade has led: the largest trade deficit in the history of our country with massive outsourcing of jobs replaced with jobs that pay less with fewer benefits in our country.

I have spoken at great length about the trade issues to a deafening silence; it could be because of my presentation. But this country, this Congress, this town, has to get serious about this issue because it is hollowing out the economic stability and opportunity for this country's future.

We have a huge unprecedented trade deficit with China. We buy everything China has to manufacture—shoes, shirts, shorts, trinkets, toys, just name it. It is coming in an armada of ships every single day. We buy every single day nearly \$2 billion more from other countries than we are able to export.

Why do we do that? I have spoken about Huffy bicycles, and I will not go through the story today, but Ohio workers making Huffy bicycles, proud of their jobs, lost their jobs, and Huffy bicycles are now made in China. The little red wagon, American Flyer, made in America for 120 years, but the employees lost their jobs to China.

A new report, December 3rd in the Washington Post: "A Rough Ride for

Schwinn Bicycles." We know Schwinn bicycles. I rode a Schwinn when I was a kid. They are now made in China. This story describes the mistake of Schwinn bicycles. They decided as a company they needed to try to continue to stay in the United States and manufacture bicycles here. What a huge mistake, they decided later, because it drove them into bankruptcy. So there are no longer any Schwinn bicycles made in America.

Let me give an example of why this is happening, whether it is Huffy or Schwinn bicycles or a thousand other items.

This is a story about unrest in a Chinese manufacturing plant from the Washington Post. In the latest unrest, about 1,000 workers staged a walk out on November 7th at the Shanlin Technology appliance factory near Guangzhou, demanding higher overtime pay and more days off, according to the government-run New China News Agency. The workers returned to the assembly line a day later after receiving assurances that overtime pay would rise by 12 cents to 36 cents an hour and that they would get two days off a month.

When the Huffy jobs went from Ohio to China, for example, the jobs changed in one respect. The U.S. workers had made \$11 an hour plus benefits. The Chinese workers instead make 33 cents an hour and work 12 to 13 hours a day 7 days a week. Some insist that is what America should compete with. I insist that is a race to the bottom of economic standards and one this country should not aspire to win.

What has happened to our Yankee ingenuity when it comes to international trade? We used to be known as good traders. Instead, we now have a strange idea that if we can just open up all markets and have no admission standards or no admission price to the U.S. marketplace, and allow the production of most goods to migrate to countries in the world where you can hire 12-year-olds, pay them 33 cents an hour, work them 12 hours a day, and ship the products to Toledo and Santa Fe, that America would be better off. And that is just not so. In fact, as the jobs migrate from a country that cannot continue to pay workers \$11 or \$20 an hour, when corporations will simply move the jobs to China where they are paid 33 cents or 50 cents an hour, this country begins to feel the economic pain and the shrinking of economic opportunity.

It seems to me, that after decades of failed trade policy—whether it is GATT, WTO, NAFTA, CAFTA or any one of a number of trade agreements—at some point those who predicted a good outcome for these trade agreements, and were so fundamentally wrong, should be discredited.

NAFTA is an example. We were told with respect to NAFTA, This is a good thing for our country because what will happen if jobs migrate to Mexico, they will only be low-wage and low-

skill jobs. But since NAFTA has been in effect, the three largest exports from Mexico have been automobiles, automobile parts, and electronics, all the product of high-skilled labor. It is exactly the opposite of what the experts predicted.

I am told that we now import more cars from Mexico than we export to the entire rest of the world. We now import more automobiles from Mexico than we export to the entire rest of the world. What that means is the migration of jobs in automobiles and automobile parts to Mexico after NAFTA. Why? Because of lower wages and fewer health, environmental, and safety regulations on manufacturing. That has meant those jobs have left our country. It results in part in this very significant trade deficit, which, in my judgment, injures this country and is a long-term serious problem.

I intend to speak at much greater length about that, and repeatedly, because we must find legislative approaches to interrupt this failed trade policy. I am not saying I am opposed to free trade. I believe trade must be fair trade. There must be fair trade requirements. This free trade is a mantra that people chant. But chanting "free trade" at a time when we are up to our neck and choking on trade debt, with jobs moving from the country in wholesale quantity, it is time to stop that and decide it ought not be something to be ashamed of for anyone to say: My interest is in the economic well-being of the United States of America. I am so tired of people refusing to say: My interest is in protecting the economy of our country.

Why are we afraid to stand up for American jobs? Why do we believe it is inappropriate for an employee to make \$15 an hour in a manufacturing plant? Somehow large corporations have convinced most policymakers and editorial writers that it makes a lot of sense to hollow out our manufacturing business.

I guarantee this: No country will long remain a world economic power if it does not have a strong manufacturing base. We are headed in the wrong direction. This country needs to make a U-turn. As I have said, we are completely brain dead in trade policy. We intend to have that discussion. I will force that discussion in the next session of Congress.

WHISTLEBLOWER: FIRM DE-FRAUDED IRAQ OCCUPATION AUTHORITY

Mr. DORGAN. Mr. President, the largest area of deficiency for the Congress in the last few years has been the failure to have oversight hearings on issues that demand oversight hearings. I have held some hearings as chairman of the Democratic Policy Committee, in cases where members of other committees have asked for oversight hearings and they have been denied. This has been particularly true, by the way, when it comes to Halliburton.

Let me give an example of why oversight hearings are critical. This comes from a report recently on National Public Radio. I will read this because it describes why this Congress must begin exercising its oversight responsibility. This is about waste, fraud, abuse, and the American taxpayers being cheated.

Let me read some of it:

Custer-Battles was a young company founded by former Army Rangers Scott Custer and Michael Battles who came to Iraq on borrowed money. An August Wall Street Journal article said that he (Mr. Battles) only had \$450 when he convinced an official to put Custer-Battles [his new company he formed] on a list of bidders at an airport security contract.

Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DORGAN. An August Wall Street Journal article said Mr. Michael Battles, a former Army Ranger, showed up in the country of Iraq with \$450. He and his partner, former Army Ranger Scott Custer, convinced an official to put Custer-Battles, a new company, on a list of bidders for an airport security contract. They promised to get the job done fast, and they won the contract, which included two upfront cash advances of \$2 million each.

Then there was a fellow, a former FBI agent, whose name is Isakson who said 2 weeks into this job, by this two-person company that showed up with no money but got \$2 million of advanced funding for this contract at the airport—Isakson, a former FBI agent, said something went wrong. "They approached me to participate in a scheme to defraud the government." Isakson said it involved bidding for cost plus contracts which guarantee payment for a contractor's actual cost plus an agreed to profit margin.

This is what Isakson said:

They would take and open a company in Lebanon and buy materials through the Lebanese company, which they owned, then the Lebanese company would sell it to their American company [Custer-Battles] at a highly inflated rate and then they would charge their profit on top of the highly inflated rate. In other words, they would make a [big] profit plus another profit.

Isakson said he refused to go along, and he warned company officials that such a plan would put them in jail. Again, this is an ex-FBI agent. He said he could not go along with this. It will put you in jail.

The next day at the airport, Isakson claims, Custer-Battles security guards cornered him in a hallway at gunpoint. His brother and his 14-year-old son were there as well.

Isakson said:

They said you're terminated and you're under arrest and don't move or I'll shoot you.

Isakson said the guard took their weapons and ID badges and eventually turned them out of the airport compound, where they made the dangerous journey from Baghdad to the Jordanian border. He has filed a lawsuit against

Custer-Battles over the ordeal, and he is also a party to a \$50 million Federal lawsuit filed in Virginia under the False Claims Act.

The other whistleblower in this case is a Pete Baldwin, a former country manager for Custer-Battles in Iraq who now runs another firm there. Baldwin describes a web of false billing practices designed to inflate costs and boost company profits. He cites a deal to provide forklifts on a security detail.

Now, this is what Baldwin says:

They confiscated old Iraqi airways green and white forklifts and transported them out of the airport facility which Custer-Battles had control over and painted them blue, then sold them back to the [U.S.] government on a lease.

He says:

This is a blatant example where something was actually acquired free and sold back to the government [after they were repainted blue].

So Baldwin took his suspicions to Government investigators and quit over the company's billing practices. Now Baldwin claims his life has been threatened because of his actions.

The Pentagon has suspended Custer-Battles from receiving further military contracts and sources, according to NPR, say a Federal criminal investigation is ongoing. However, a civil probe ended in October when the U.S. Justice Department declined to join in the whistleblower case.

Here is the key, and it is an interesting piece of information: A spokesman says the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq is, for the most part, not cheating the U.S. Government. Let me say that again. This is quoting Mr. Gracing:

The reason they gave to us is that the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq or basically the military, and for the most part the U.S. military, is not the same as cheating the U.S. government.

The fact is, the Coalition Provisional Authority was us. It was our money, our resources, our people. So here we have a company that takes forklift trucks from an airport property, moves them someplace to a warehouse, paints them blue, sells them back to the Coalition Provisional Authority, which pays for them with U.S. taxpayer funds, and our U.S. Justice Department says: That's all right. We'll close our eyes while you cheat us because the Coalition Provisional Authority is not really the U.S. Government. Are they nuts? Don't they care whether we are being cheated?

These are the kinds of things that literally beg for oversight hearings. Yet this Congress is dead silent on these issues. I said I have held oversight hearings about Iraq with respect to Halliburton. The minute you talk about Halliburton, somebody raises the Vice President. I did not talk about the Vice President in those hearings, but I talked about Halliburton and about

cheating. This is about Halliburton. It is not about anybody else.

When a company says they are feeding 42,000 soldiers and being paid for it by the U.S. Government and it ends up they are only feeding 14,000 soldiers a day, and 28,000 meals are being paid for that are not being fed, it seems to me there ought to be aggressive oversight hearings to figure out what is going on, who is cheating the Government. Yet there is dead silence.

I come from a really small town, about 300 people. We have one small little cafe right in the middle of Main Street. My guess is, if somebody got a check for 4 meals that were never served, they would sure know that, and the same goes for 14 meals, or 40 meals. It would appropriately be a big deal in my hometown. But 28,000 meals that are billed but were not delivered to U.S. troops? In my little town, they would call that cheating and fraud. Yet there is dead silence with respect to the oversight responsibility we ought to have as a Congress to find out what is happening, why, and who is responsible.

Mr. President, I will have more to say about this as well, and we intend to continue to hold oversight hearings as well in the Democratic Policy Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we are in morning business, as I understand it.

The PRESIDING OFFICER. Yes, with Senators permitted to speak for up to 10 minutes each.

Mr. THOMAS. I thank the Chair.

ISSUES BEFORE CONGRESS

Mr. THOMAS. Mr. President, I want to take a couple minutes as we come to the close of this congressional session and soon will be entering into a new one. It seems to me we have some great challenges before us, of course, as is always the case. However, in this instance, we have perhaps some more defined issues than normal. There are lots of issues before us, of course.

There are always challenging issues before the Congress. Sometimes they are less well defined, but this time hopefully we can come together on issues we have talked about, trying to find answers to questions that are important to this country.

It seems to me there are several issues that are pretty well defined. I hope we can find, on both sides of the aisle and both sides of the Capitol, some solutions or at least move toward some solutions that are very important to us.

In doing that, it seems to me—and I will comment on it a little later—we have to take a long look at the kinds of things we deal with here to try to make some kind of an analysis as to the issues that are appropriate for the Congress to deal with.

There are lots of interesting things going on, of course, but we find our-

selves in the position of dealing with lots of things that I think quite easily could be defined as a role for some other Government level or indeed for the private sector to deal with.

We find ourselves dealing with a good many of those things that are interesting. I was thinking a while back about the activity we had with respect to—I don't remember what it was—\$15 million to help kids play tennis. Well, playing tennis is a great thing, and helping kids to play tennis is a great thing, but is that a congressional activity, I wonder.

I have some concerns from time to time, but there are issues we clearly have to face up to. One of them is health care and the cost of health care throughout the country. Particularly, I am aware of the issues of health care in my State of Wyoming, as is the Presiding Officer, which include the fact that the costs of health care are beginning to limit access to one of the best health care systems in the world.

Well, we have the best health care in the world, but if people cannot utilize it and are not able to take advantage of it, then, of course, we have to do something. The cost of health insurance, which is related to the cost of health care, more and more is one of those issues we need to deal with nationwide. It is not an easy issue.

One of the obvious problems is the uninsured. Approximately 40 million are uninsured. Quite often the costs, when the uninsured receive health care, have to be shifted to those who have insurance, and that lifts the price. The same is true of hospitals and emergencies and Medicare and Medicaid, which actually pay less than the cost, quite often, so that cost again is shifted. It is particularly difficult for the families of the self-employed. In our case, many rural ranchers and farmers pay very high prices to carry insurance for their families. That is one we clearly need to work on. I don't suppose we will find the total solution all at once. We are moving forward in Medicare, but this goes beyond Medicare. This goes to health care in general. We are going to have to do some things there, I am sure.

Energy, of course, continues to be an issue that we have sort of avoided over the last couple years. I guess we have the idea that all you have to do is turn the light on or get in the car and go to the station and everything is going to be all right. The fact is, demand is exceeding production in many of these areas, and we are going to have to do something about it. I am hopeful we can at least begin with an energy policy—and we have tried a number of times—that looks ahead for 15 years or 20 years and says here is what we will have to do, here is where we want to be. And to be there, we have to do other things.

Unfortunately, in this body we haven't been able to pass a policy. I have never understood why. Some areas, such as New England, generally

have been cold on it, and they don't even have production. Production has to come from somewhere else, but there is no interest in that. We need to talk about alternative sources. We need to talk about renewables, efficiency, and conservation of energy, as well as domestic production. We find ourselves with a 60-percent dependence on imported oil, much of which comes from the Middle East, which is unsettled. That is a tough thing. I hope we can get moving on that.

Social Security is a hard one. The President has talked a great deal about it. I am sure there will be some things done here. But clearly there has to be something done for the future. It is true that over the next few years things won't change very much. When Social Security was begun, I believe there were 28 people working for every beneficiary. Now it is about three people working for every beneficiary. Obviously the system that we started with is not going to be able to continue to be the kind of system that we need. It is going to be hard. We will have to get together.

On the highway bill, nothing is more important to us than having highways. We haven't really done that in terms of the 6 years looking out. It is important because the highway departments in the various States do almost all their work by contracting, and they have difficulty contracting if they don't know what their income is going to be over a period of time.

Obviously, we have to continue our fight on terrorism until that job is done, whether it is here or in Iraq, wherever. We will do that, I am sure.

However, now we are faced with a deficit, a legitimate deficit. When you have emergencies in your business or in your family, you spend more than you would normally spend. That is what has happened in the last 4 years. It hasn't been normal. We had September 11. We had a turnaround in the economy. We had terrorism. We had Iraq. Now it is more important. I am pleased in the last year in our omnibus bill, the increase in discretionary spending was only about 1 percent. That is good. We will have to continue to do that.

I had a thick book outlining all the Federal programs we have, a tremendous number of Federal programs. I hope we can take an analysis of those from time to time and see if programs that were started 10 years ago are still as viable as they were at that time. I wish we had programs that ended in a few years so that there would be time to evaluate and see what is getting done.

I hope we can work on some of these things and that we can do a little sorting. I hope we don't become part of that group which thinks that Government action is the only answer to problems in the world. I hope we don't think the Congress has to get involved in every issue that is there. Many of them can be better done in the private

sector and by local governments. I know you get requests from everyone to do something, but we need to control our activities and control our spending and yet do the things that are there that need to be done.

We have a great challenge and a great opportunity. Hopefully, we will be away for a year or so from the real intense politics in this body. The election is over. We might consider that for a year or so and really move ahead on those things that have merit rather than political impact.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. THOMAS assumed the chair.)

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

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

CONDEMNING REPRESSION OF THE IRANIAN BAHÁ'Í COMMUNITY AND CALLING FOR EMANCIPATION OF IRANIAN BAHÁ'IS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 78 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. 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. 78) condemning the repression of the Iranian Bahá'í community and calling for the emancipation of Iranian Bahá'ís.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment to the concurrent resolution be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 4082) was agreed to, as follows:

AMENDMENT NO. 4082

(Purpose: To amend the resolution to update and reflect current events)

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

“(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;”.

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

The amendment (No. 4083) was agreed to, as follows:

AMENDMENT NO. 4083

(Purpose: To update the preamble to reflect current events)

Insert after the fourth whereas clause the following:

“Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;”.

Strike the tenth whereas clause that begins “Whereas as of June 2003” and insert the following:

“Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;”.

The preamble, as amended, was agreed to. The resolution, with its preamble, reads as follows:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1948;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003, by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

PROVIDING FOR FEDERAL EMPLOYEE ELECTIONS TO MAKE, MODIFY, AND TERMINATE CONTRIBUTIONS TO THRIFT SAVINGS FUND

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4324, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4324) to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

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

The bill (H.R. 4324) was read the third time and passed.

Mr. THOMAS. 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. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to speak

for up to 20 minutes to deliver a farewell address.

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

A FOND FAREWELL

Mr. GRAHAM of Florida. Mr. President, my 18-year tenure in the Senate has capped an extremely satisfying personal experience with great rewards and gratification of public service. These have been some of the most significant influences on my life. The greatest influence, of course, has been my family.

I was born into a family with good values and an admiration for education and an interest in politics. In February of 1936, my mother and father made two significant decisions. First, my father, who was a mining engineer by education and a dairy farmer by occupation, a man who had become extremely distressed at the level of underworld corruption in Dade County, FL, decided to run for the Florida State Senate to represent that county on a platform of cleaning up underworld corruption.

The second decision my parents made in February of 1936 was to have a baby. I was the happy result of that second decision. My mother says that I came by my political instincts from the womb, that she spent her whole pregnancy going to political activities and that I became addicted.

Throughout my public career, I have had the love and support of my partner of 45 years, Adele. No person in public life could have a more loving, a more caring, and a more contributing partner than I.

At one point, Adele used to be nervous in public settings. Today, I wish I had her calm, her persuasiveness, her effectiveness in public settings. Together, we have had the privilege of raising four wonderful daughters, two of whom were born after our first election to public office.

All of those qualities have been enhanced during my Senate years, including the addition of 11 grandchildren. On Thanksgiving Day I shared a special tradition with 9 of those 11 grandchildren when they joined me here at this desk on the Senate floor and observed and critiqued my skills—and lack of skills—as I carved my name into the Senate desk.

The second greatest influence is my home, the State of Florida. I thought I knew a lot about Florida as a native and as a two-term Governor, but I have learned so much more during the last 18 years. Since 1974, I have been taking different jobs, jobs alongside fellow Floridians, and as of last Thursday I have done 406 of these workdays; 214 of them have been done since I became a Member of the Senate. Even though my day job is 1,000 miles away from where many Floridians live, these workdays have been an important part of maintaining a close relationship with my

fellow Floridians and reminding me what our priorities should be on their behalf here in Washington. Workdays and my experiences in Congress have taught me ways in which the Federal Government affects the lives of typical Americans and, most acutely, Floridians.

I come from a State which is marked with dramatic growth in a very fragile environment, with a close affiliation with the countries to the south of the United States, a State in which one out of five of our citizens is over the age of 65, and therefore programs such as Medicare and Social Security take on a very special significance. How we conduct a law-based immigration system with humanity intimately affects many of our people, as does the obligation to use power responsibly. All of these issues I have learned about at greater depth during my service in the Senate.

What I have also gained in my three terms here is an appreciation of the institution of the Senate and the unique role it plays in balancing our Government in order to avoid excessive power falling into the hands of any one person or governmental institution.

One of our greatest responsibilities as Members of the Senate is to assure an independent judiciary. I am especially pleased that I was able to join my Florida colleagues in the Senate in establishing and maintaining a bipartisan, merit-based process by which we recommended and confirmed applicants for the Federal judiciary.

Particularly, I am gratified by the work I did with former Senator Connie Mack. As a Democrat and as a Republican, we forwarded outstanding judicial candidates to both Democratic and Republican Presidents. Because this process was based on judicial merit, Florida nominees have been uniformly and expeditiously accepted for nomination and confirmation.

I also came to see the Senate as our country's best graduate school, offering access to private seminars with the best and the brightest, supplemented by outside organizations such as the Aspen Institute's congressional program and the InterAmerican Dialog's Focus on Hemispheric Issues.

Finally, Mr. President, as with you and your father, I came to appreciate the people of the Senate. Simply put, I enjoy being around politicians and the people who love politics, including my staff and the family of the Senate, and including the journalists who cover our activities. I value my relationship with each of my colleagues, and I wish I had the time to tell a story about each of you.

Mr. President, your father was one of the first people I met when I came into the Senate. We had a number of things in common in our background and quickly formed a friendship which was one of the most significant parts, particularly, of my early years in the Senate. My grief at his loss is diluted by the knowledge not only that he has

been followed by his son, but that his son is a person of such exemplary qualities as you represent.

I would also like to single out one of my colleagues, a non-Floridian, as representative of the over 200 people with whom I have served during my tenure in the Senate. Senator JAY ROCKEFELLER has been very special to me. We served as Governors at the same time. JAY, as much as anyone, encouraged me to run for the Senate.

I especially treasure the relationships I have had with my congressional political mentors such as Congressman Danny Fascell and Senator, later Congressman, Claude Pepper, and my Florida colleagues in this institution: Lawton Chiles, Connie Mack, and BILL NELSON.

BILL NELSON is a man I have known for over 40 years. In each stage of his life he has been committed to public service and to excellence in the execution of that public service. It has been a joy for the last 4 years jointly representing our 17 million constituents with BILL. I greatly admire his contributions to Florida and to the Nation. I wish to Senator NELSON a long tenure in the Senate. Florida and America will be better places because of his service.

I am also hugely grateful to those who have been willing to share this journey with me, the tens of thousands of people who have worked with me in my successful statewide campaigns, and the over 1,000 people who have joined me in public service in appointive or staff positions. I regret that I do not have time today to name all of them, but illustrative of all of them I will mention a few: Buddy Shorstein, Ken Klein, and Buddy Menn, all of whom have served as chiefs of staff in the Senate; Gary Smith, Dick Burroughs, Charles Reed, Jay Hakes, and Tom Herndon, who served in a similar position when I was Governor of Florida; Mary Chiles, Ellen Roth, Lula Rodriguez, Susan McGinn, and Lydia Mount; Al Cumming and Bob Filippone; Mark Block, John Provenzano, and Paul Anderson—these wonderful people and a thousand more who have shared this joyful experience in public service.

Winston Churchill once declared:

Now is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

My friends, the Senate needs to regain its tradition of controlled partisanship; in other words, placing country before party. Another of my Florida political mentors, former Governor and Senator, Spessard Holland, once said that it was the jet airplane that caused the greatest change in the culture of the Senate.

Prior to the jet airplane, Senator Holland and his wife would come in the first week of January to Washington, would settle in the hotel where they would live while they were here, and they would spend the next 6 to 7 months doing the business of America.

While they were doing that, they would spend time with the families of their colleagues. They would become more than just occasional colleagues. They would become genuine friends.

It was out of that development of relationships across regions and across parties that the Senate came to earn the title of "the world's most exclusive club." And it was the club where the essential bond was that of common respect.

The jet airplane began to change that, because instead of staying here for a 5-day workweek and then a week-end of personal relations with the families of their colleagues, it became possible for each Member of the Senate to leave on Friday to return to their home State for whatever request was made of them. The Senator knew that and the requesting organization knew that. So it became a matter of political necessity to respond.

The effect of that was not only did the work of the Senate extend from 6 to 7 months to today's 7th of December—we have been in session now for 11 months and 1 week—it also meant that those weekends of personal relationships were largely lost.

My No. 1 suggestion in this post-jet airplane age is that we try to get back to the tradition of spending more time together as families, as Americans, rather than as Republicans and Democrats. For instance, rather than holding our traditional partisan retreats in the spring of the year, huddling as reds and blues, we should go to a retreat as a whole Senate celebrating the families of this great institution.

I point to the pending intelligence reform bill, which I hope we will pass in the next day, as an example of what can be done when we recognize that an issue is so important to our Nation that we must work together to understand the problem and then develop solutions which are driven by pragmatism, not ideology.

I suggest we apply the lessons that are being learned in developing and forming and passing intelligence reform to some of the challenges that are before us now such as reform of Social Security and Medicare, and reform of our energy policy that we as a nation would be well served.

Franklin Roosevelt declared in 1940:

I do not believe that the common denominator of our great men in public life has not been mere allegiance to one political party, but the disinterested devotion with which they have strived to serve the whole country—and the relative unimportance that they have ascribed to politics compared with the paramount importance of government.

The Congress should also spend less time looking at the rearview mirror for the accidents behind and more time looking out of the front windshield.

Since I have served there for a decade including 18 months as chairman, I would cite the Intelligence Committee as a prime example of this institutional failure to focus ahead. Prior to September 11, the committee spent an

inordinate amount of time examining a series of mistakes, of acts of treachery and of bureaucratic turf fighting. What we failed adequately to do was to look forward to the threats and challenges that our intelligence agencies needed to address before those threats and challenges resolved into a tragedy. We desperately need to apply this principle of looking out the front windshield to our accumulative deficits, budgetary deficits, trade deficits, transportation and public utilities deficits, education deficits among them. These deficits are challenges which this generation, unlike our forefathers, is ignoring because they are tough and managing them now has political downsides. But it is wrong, it is immoral to let our grandchildren do the heavy lifting because we have refused to do so.

We need to learn again the principle of federalism that our forefathers laid out for us. I come out of a Jeffersonian philosophy believing that the best governmental decisions are most likely to be made by those closest to the citizens who will be affected by those decisions. I recognize the importance of a national response to truly national issues and to the protection of the civil rights of all citizens. But America's great contribution to political thought has been federalism, the sharing of responsibility between a central government and our 50 individual States.

I am concerned that this appreciation for federalism has too frequently been situational. We at the Federal level, the national level, determine what outcome we wish to secure and then support either centralization or a distribution of power based on what has a better chance of achieving the goal we seek. We would be well advised to resist this temptation.

Daily we are learning from the headlines of Ukraine and Iraq and other countries such as America with a diverse population which are struggling to secure peace and prosperity. These foreign countries remind us of how difficult it is to hold to the model of federalism unless we are prepared to treat it with respect even when it may result in a different outcome than we would personally prefer.

Finally, we should support the institution of the Senate. Its procedures and prerogatives are not arbitrary but reflect a responsibility to balance a complex government which is designed to protect the freedoms of the people against the temptation of government becoming authoritarian.

I would like to give special recognition to Senator ROBERT BYRD. Frankly, when I entered this institution, Senator BYRD and I had some disagreements over how we thought the National Government should address its priorities. But over the years, I have come to gain increasing respect and admiration for his defense of the institution of the Senate precisely because it plays such a crucial role in protecting our individual freedoms.

Mine has been a wonderful life, an exciting and unpredictable journey. But

it is a journey that is not ending but, rather, taking a different course. I am planning to travel especially in Latin America to teach, to write at least one more book, to continue my years of interest in relations within the Western hemisphere and in modernizing America's intelligence capability, and finally to fulfill our responsibilities to future generational leaders through the creation of an institution that instills the values of public service of such great Floridians such as LeRoy Collins, Reubin Askew, and our former colleague Lawton Chiles.

These are things that excite me, that inspire me and to which I am convinced I can make a better contribution as a private citizen at this, the end of the beginning of my life.

Four years after he left the Presidency, President Harry Truman said:

I have seen a great many men in public life, and one of their besetting sins is to stay in office too long.

I decided that I would not be guilty of this common failing, and that I should make way for younger men.

I extend my congratulations to the man Floridians have chosen as my successor, soon to be Senator MEL MARTINEZ. I wish him the very best in his new role. MEL is a friend. He is a good man who has served Florida and America in many different positions of responsibility. I know the Senate will welcome him to his new home in the Senate.

We Floridians have high expectations for Senator MEL MARTINEZ and for those who will be serving in the 109th Congress and beyond.

Goodbye, Mr. President.

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

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

CONFIRMING AUTHORITY OF THE SECRETARY OF AGRICULTURE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4620, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4620) to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4620) was read the third time and passed.

VIDEO VOYEURISM PREVENTION ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1301

Resolved, That the bill from the Senate (S. 1301) entitled "An Act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2004".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

"(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

"(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

"(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

"(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

"(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity."

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is poised to pass S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2004. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked, or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to 1 year or both.

In recent years, the explosion of microcamera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill before the Senate today covers the simultaneous Web casting of images or any other transmissions that may not be recorded so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. Mr. President, I rise today in support of passage of the Video Voyeurism Prevention Act of 2004. This act would help safeguard the privacy we all value, and help ensure that our criminal law reflects the realities of rapidly changing technology. It would do this by prohibiting both the filming of and taking compromising pictures of people in places where they expect privacy the most. This important legislation would give prosecutors

and law enforcement officers the tools they need to fully prosecute these disturbing acts, acts that have, tragically, become more and more prevalent.

For example, a woman in my home State of Ohio became a victim of video voyeurism while she attended a church picnic with her young daughter. She told the Cincinnati Enquirer that, "as I crouched down to put the baby in my stroller, I saw a video camera sticking out of his bag, taping up my dress. . . . It rocked my whole sense of security." The law needs to say clearly that such an act is illegal.

As disturbing as these acts are, they are occurring with increasing frequency and are going unpunished. Almost weekly, there are reports of cameras found in public bathrooms and changing rooms. Just recently, an employee of the New Mexico Department of Transportation had installed a tiny camera in an office restroom. What makes these crimes even more troubling is the ease with which these images can be transmitted to countless people via the Internet. Now, not only has an individual been victimized by having per picture taken, she faces the possibility of millions more seeing those pictures in cyberspace.

While video voyeurism is currently illegal in over 30 States, including Ohio, there are still areas where prosecutors are unable to file charges for these crimes. As the defense attorney for one video voyeur aptly observed, "The criminal law necessarily lags behind technology and human ingenuity."

This legislation takes an important step toward ensuring a person that he or she will not be filmed or photographed where there is a reasonable expectation of privacy on Federal land, like at a national park. Additionally, the bill makes certain that perpetrators of video voyeurism are punished, by imposing a sentence of a fine or imprisonment for up to 1 year.

I thank my colleagues for supporting the legislation.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following postal naming bills which have been received from the House en bloc: H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bills be read a third time and passed, 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.

EARL B. GILLIAM/IMPERIAL AVENUE POST OFFICE BUILDING

The bill (H.R. 5364) to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

BILL MONROE POST OFFICE

The bill (H.R. 4968) to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUTENANT GENERAL JAMES V. EDMUNDSON POST OFFICE BUILDING

The bill (H.R. 4847) to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

IRMA RANGEL POST OFFICE BUILDING

The bill (H.R. 4829) to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM G. KINSER POST OFFICE BUILDING

The bill (H.R. 4807) to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSMAN JACK FIELDS POST OFFICE

The bill (H.R. 4232) to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Con-

gressman Jack Fields Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX

The bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

DONALD G. BROTZMAN POST OFFICE BUILDING

The bill (H.R. 5370) to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

HIPOLITO F. GARCIA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

JAMES V. HANSEN FEDERAL BUILDING

TOMOCHICHI UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 3884, H.R. 3147, and H.R. 2523, and that the Senate proceed to their immediate consideration en bloc.

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

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3884) to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the Hipolito F. Garcia Federal Building and United States Courthouse.

A bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

A bill (H.R. 2523) to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the Tomochichi United States Courthouse.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

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

The bills (H.R. 3884, H.R. 3147, and H.R. 2523) were read the third time and passed.

JOE SKEEN FEDERAL BUILDING

F. H. NEWELL BUILDING

Mr. ALEXANDER. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3734 and H.R. 3124, en bloc.

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

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

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

The bills (H.R. 3734 and H.R. 3124) were read the third time and passed.

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE SUPPLEMENTAL FUNDING TO ASSIST THE STATE OF CALIFORNIA IN PROVIDING EDUCATIONAL SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 478, H.R. 620.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

There being no objection, the Senate proceed to consider the bill, 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.)

H.R. 620

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

SECTION 1. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds the following:

[(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

[(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

[(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

[(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park

to attend other schools served by the two local educational agencies.

[(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SECTION 2. PAYMENTS FOR EDUCATIONAL SERVICES.

[(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

[(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

[(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

[(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this section.

[(e) SOURCE OF PAYMENTS.—

[(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

[(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

[(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

[(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note).

[(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

[(D) Emergency appropriations for Yosemite flood recovery.

[(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

[(1) LOCAL EDUCATIONAL AGENCIES.—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

[(2) EDUCATIONAL SERVICES.—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

[(3) PARK.—The term “Park” means Yosemite National Park.

[(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SECTION 3. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

[(Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

[(1) in the first sentence—

[(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

[(B) by inserting “transportation systems and” before “the establishment of”; and

[(2) by striking “park” each place it appears and inserting “parks”.]

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

Sec. 101. Short title.

Sec. 102. Payments for educational services.

Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park; fees.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.

Sec. 202. Golden Gate National Recreation Area, California.

Sec. 203. Manzanar National Historic Site Advisory Commission.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

SEC. 101. SHORT TITLE.

This title may be cited as the “Yosemite National Park School Funding Act”.

SEC. 102. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) *AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2004 through 2008, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.*

(b) *LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this title.*

(c) *LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.*

(d) *ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this Act.*

(e) *SOURCE OF PAYMENTS.—*

(1) *AUTHORIZED SOURCES.—Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.*

(2) *EXCEPTIONS.—Funds from the following sources shall not be used to make payments under this section:*

(A) *Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—*

(i) *the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);*

(ii) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); or

(iii) the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(f) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(2) EDUCATIONAL SERVICES.—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term “Park” means Yosemite National Park.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 103. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK; FEES.

(a) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “transportation systems and” before “the establishment of”; and

(2) by striking “park” each place it appears and inserting “parks”.

(b) FEES.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by inserting “, cooperative agreement, or other contractual agreement” after “contract”.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079E, and dated March 2004.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”.

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92-589 (16 U.S.C. 460bb-4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

“(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.”; and

(2) in subsection (g), by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate on December 31, 2014”.

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102-248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2013”.

Mr. ALEXANDER. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the amendment to the title be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4084) was agreed to.

(The text of 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 (H.R. 620), as amended, was read the third time and passed.

The title was amended so as to read:

“An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.”.

TO PROVIDE FOR THE CONVEYANCE OF FEDERAL LANDS, IMPROVEMENTS, EQUIPMENT, AND RESOURCE MATERIALS AT THE OXFORD RESEARCH STATION IN GRANVILLE COUNTY, NORTH CAROLINA, TO THE STATE OF NORTH CAROLINA

Mr. ALEXANDER. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of H.R. 2119, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2119) to provide for the conveyance of Federal lands, improvements, equip-

ment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina, to provide for the conveyance of Federal lands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2119) was read the third time and passed.

SPECIALTY CROPS COMPETITIVENESS ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3242, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3242) to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid upon the table.

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

The bill (H.R. 3242) was read the third time and passed.

EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on 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.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1521

Resolved, That the bill from the Senate (S. 1521) entitled “An Act 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”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—LAND CONVEYANCE**SEC. 101. SHORT TITLE.**

This Act may be cited as the “Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act”.

SEC. 102. 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. 103. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Not later than 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.

TITLE II—EXTENSIONS**SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.**

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 811, and 910, by striking “September 30, 2012” and inserting “September 30, 2027”;

(2) in each of sections 108(a), 209(a), 409(a), 508(a), 812(a), and 909(c), by striking “\$10,000,000” and inserting “\$20,000,000”; and

(3) in title VIII, by striking “Canal National Heritage Corridor” each place it appears in the section headings and text and inserting “National Heritage Canalway”.

TITLE III—NATIONAL COAL HERITAGE AREA**SEC. 301. NATIONAL COAL HERITAGE AREA.**

(a) **NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.**—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting “(1)” before “the counties” and by inserting the following before the period: “; (2) Lincoln County, West Virginia; and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia”.

(2) In section 104, by striking “Governor” and all that follows through “organizations” in the matter preceding paragraph (1) and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

(3) In section 105—

(A) by striking “paragraph (2) of”;

(B) by adding at the end the following new sentence: “Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.”

(4) In section 106(a)—

(A) by striking “Governor” and all that follows through “and Parks” and inserting “National Coal Heritage Area Authority”; and

(B) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities” and inserting “National Coal Heritage Area Authority”.

(b) **AGREEMENT CONTINUING IN EFFECT.**—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY**SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.**

(a) **REAUTHORIZATION.**—Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking “\$4,000,000” and all that follows and inserting “such sums as may be necessary.”; and

(2) in subsection (c), by striking “10” and inserting “12”.

(b) **STRATEGIC PLAN.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) **CONTENTS.**—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR**SEC. 501. SHORT TITLE.**

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004”.

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking “and”;

(B) in paragraph (9), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”

(2) By adding at the end of section 112 the following new paragraph:

“(7) The Secretary shall enter into a memorandum of understanding with the Association

to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.”

(3) By adding at the end the following new sections:

“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

“Upon the termination of the Commission, the management entity for the corridor shall be the Association.

“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“SEC. 121. DUTIES OF THE ASSOCIATION.

“The Association shall—

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

“(B) in establishing and maintaining interpretive exhibits in the corridor;

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

“SEC. 122. USE OF FEDERAL FUNDS.

“(1) **IN GENERAL.**—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(2) **OTHER SOURCES.**—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

“SEC. 123. MANAGEMENT PLAN.

“(a) **PREPARATION OF MANAGEMENT PLAN.**—Not later than 2 years after the date that Federal funds are made available for this purpose,

the Association shall submit to the Secretary for approval a proposed management plan that shall—

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include the following:

“(A) Identification of the geographic boundaries of the corridor.

“(B) A brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

“(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

“(D) A listing of the key resources and themes of the corridor.

“(E) Identification of parties proposed to be responsible for carrying out the tasks.

“(F) A financial plan and other information on costs and sources of funds.

“(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

“(H) A mechanism and schedule for updating the plan based on actual progress.

“(I) A bibliography of documents used to develop the management plan.

“(J) A discussion of any other relevant issues relating to the management plan.

“(b) **DISQUALIFICATION FROM FUNDING.**—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

“(c) **APPROVAL OF MANAGEMENT PLAN.**—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

“(d) **EFFECT OF APPROVAL.**—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

“(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

“(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for imple-

mentation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

“(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(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 Association determines is not likely to have an adverse effect on the corridor.

“SEC. 125. 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 of that cost.

“SEC. 126. SUNSET.

“The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.”

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

“(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

“(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

“SEC. 128. PRIVATE PROPERTY PROTECTION.

“(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) **LIABILITY.**—Designation of the corridor shall not be considered to create any liability, or

to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”.

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—POTASH ROYALTY REDUCTION

SEC. 601. SHORT TITLE.

This Act may be cited as the “Potash Royalty Reduction Act of 2004”.

SEC. 602. POTASSIUM AND POTASSIUM COMPOUNDS FROM SYLVITE.

(a) **ROYALTY RATE.**—Notwithstanding section 102(a)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 2 of the Act of February 7, 1927 (30 U.S.C. 282) and the term of any lease issued under such section 2, the royalty rate on the quantity or gross value of the output from Federal lands of potassium and potassium compounds from the mineral sylvite at the point of shipment to market in the 5-year period beginning on the date of the enactment of this Act shall be 1.0 percent.

(b) **RECLAMATION FUND.**—Fifty percentum of any royalties paid pursuant to this Act during the 5-year period referred to in subsection (a), together with any interest earned from the date of payment, shall be paid by the Secretary of the Treasury to the payor of the royalties to be used solely for land reclamation purposes in accordance with a schedule to implement a reclamation plan for the lands for which the royalties are paid. No payment shall be made by the Secretary of the Treasury pursuant to this subsection until the Secretary of the Interior receives from the payor of the royalties, and approves, the reclamation plan and schedule, and submits the approved schedule to the Secretary of the Treasury. The share of royalties held by the Secretary of the Treasury pursuant to this subsection, and interest earned thereon, shall be available until paid pursuant to this subsection, without further appropriation; shall not be considered as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for the purpose of revenue allocation; and shall not be reduced by any administrative or other costs incurred by the United States.

(c) **STUDY AND REPORT.**—After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction

under this Act, including a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.

TITLE VII—SODA ASH ROYALTY REDUCTION

SEC. 701. SHORT TITLE.

This Act may be cited as the "Soda Ash Royalty Reduction Act of 2004".

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 704. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

Amend the title so as to read "An Act 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, and for other purposes."

Mr. ALEXANDER. I ask unanimous consent the Senate concur in the House amendment, with an amendment which is at the desk, concur in the House amendment to the title, the motions to reconsider be laid on the table en bloc,

and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4085) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendment.")

REMOVAL OF INJUNCTION OF SECRECY

Mr. ALEXANDER. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following revision transmitted to the Senate on December 7, 2004, by the President of the United States: 1995 Revision of Radio Regulations (Treaty Document No. 108-28).

I further ask that the revision be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995 (the "1995 Revision"), together with declarations and reservations of the United States as contained in the final Acts of the World Radiocommunication Conference (WRC-95). I transmit also, for the information of the Senate, the report of the Department of State concerning these revisions.

The 1995 Revision, which was adopted at WRC-95, constitutes a revision of the International Telecommunication Union (ITU) Radio Regulations, to which the United States is a party. It provides for the simplification of the Radio Regulations, the introduction of new global mobile-satellite services, and new regulatory provisions both for non-geostationary satellites operating in the same frequency bands as geostationary satellites and for other new space services that share spectrum with the space research and terrestrial services.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should become a party to the 1995 Revision, which will facilitate the development of mobile-satellite and non-geostationary satellite orbit communication services by U.S. Government and industry, it is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH,

The White House, December 7, 2004.

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

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

FAREWELL TO ACTING SECRETARY OF THE ARMY LES BROWNLEE

Mr. FRIST. Mr. President, I would like to take a moment to honor a distinguished American for his tireless, dedicated service to the U.S. Army, the U.S. Senate, and the American people. After more than four decades of national service, Acting Secretary of the Army Less Brownlee is resigning his post as Under Secretary of the Army.

Secretary Brownlee is a highly decorated veteran. He has earned the Silver Star with Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, and a Purple Heart during his two tours of duty in Vietnam and over 22 years on active duty.

He has also served this body with distinction for 18 years as a Hill staff member, reaching the post of staff director for the Armed Services Committee. During his time on the committee, Secretary Brownlee was the committee's principal professional staff member responsible for Army and Marine Corps programs, Special Operations Forces, and drug interdiction policy and support. In addition, he was deeply involved in policies and programs ranging from ballistic missile defense and weapons programs to strategic deterrence and naval strategy.

Most recently, during his 18 months as Acting Secretary of the Army, Secretary Brownlee has been responsible for managing the Army's \$80 billion annual budget and more than 1.3 million Active Duty, National Guard, Army Reserve, and civilian personnel. As a part of this duty, Secretary Brownlee has overseen recruiting, organizing, supplying, equipping, training, and mobilization efforts.

In addition, during his tenure, the Army began the process of an extraordinary transformation to meet the threats and challenges of the 21st century. Most notably, the Army has borne the brunt of the global war on terrorism, making all Americans proud of its victories and achievements in Afghanistan, Iraq, and other far-off places around the globe.

Throughout these challenging times for the Nation and our Armed Forces, Secretary Brownlee has consistently provided strong, steady leadership for the Army as it adapts and prepares for the future. His service as Acting Secretary of the Army will undoubtedly have a profound impact on our fighting men and women and will ensure that the Army remains the world's finest fighting force for years to come.

I congratulate Secretary Brownlee on a brilliant career. I thank him for his

commitment and dedication to making America stronger and safer, and I wish him all the best in his future endeavors.

RETIREMENT OF ADMINISTRATIVE ASSISTANT TO SECRETARY OF THE ARMY

Mr. REED. Mr. President, I rise to commend J.B. Hudson, who is retiring after 42 outstanding years of Federal service to the United States Army.

In 1962, Mr. Hudson began his Government career at Fort Eustis, VA, as a management analyst with the Office of the Assistant Chief of Staff, Comptroller. While pursuing his civilian career, Mr. Hudson also served as an Army reservist, 1963–1969, and continued his post graduate education earning a masters of personnel administration from George Washington University, 1969. In 1966, he accepted a position at Fort Monroe, VA, where he served as a management analyst with the Office of the Deputy Chief of Staff, Comptroller; and later, as chief, Management Improvement Branch, Office of the Deputy Chief of Staff, Resource Management from 1973–1975.

Since 1975, Mr. Hudson has been with the Office of the Administrative Assistant to the Secretary of the Army serving in a number of senior leadership positions, including deputy director and director, studies and analyses staff, 1975–1977; director, plans and projects, 1977–1979, director, policy and plans/safety, security and support services—Washington, 1979–1995, and deputy administrative assistant, 1995–1996. In over 42 years of Government service, Mr. Hudson has received numerous honors and awards, including the Meritorious Civilian Service Award and the Decoration for Exceptional Civilian Service.

Mr. Hudson is an extraordinary leader who recognizes that people are his most important resource. He epitomizes leadership by example, perpetuating a work environment in which harmony, resilience, and productivity reign. In the days following the terrorist attack on the Pentagon, he faced his toughest leadership challenge. Not only did he have to deal with the tragic loss of 40 staff members and the injury of many more, he also had to lead the effort of restoring calm and productivity to the agency, the Army, and the Pentagon, minimizing any disruption of support to the Army and OSD.

As the overseer of the Defense Post Office, Mr. Hudson faced the possibility of receiving mail contaminated with chemical or biological agents since the Pentagon's mail is processed through the same facility where two United States Postal Service workers died from exposure of mail contaminated with anthrax spores. Working in collaboration with Defense Department and White House officials, Mr. Hudson quickly assessed the threat and developed courses of defense.

His reputation for initiating leading-edge business practices is widely recog-

nized. His vision, adaptability, and passion for customer success have enabled him to gain recognition for the Office of the Administrative Assistant to the Secretary of the Army as a preferred support provider throughout Headquarters, Department of the Army, and Defense Department activities within the Pentagon and the National Capital Area.

Mr. Hudson has been a focused and competent defender of the Army's limited resources and is absolutely committed to achieving operational excellence. In more recent years, he consistently used his keen business acumen, technical expertise, political savvy, and resourcefulness to proficiently position the agency for the best business results.

Mr. Hudson is a superior advisor, astute negotiator, and superb administrator who can operate comfortably in all environments. His ability to bring divergent parties together and forge a common vision to achieve desired outcomes is renowned. His mastery of unique Defense Department and National Capitol Region relationships has enabled him to consistently produce quality results, even on the most contentious and complex issues. Perhaps the best examples of Mr. Hudson's ability to build coalitions and achieve results for the Army and the Department of Defense are evident in his management of the Army's executive aircraft fleet and his championing of the Pentagon Athletic Facility. In the first initiative, Mr. Hudson worked with Defense Department and Congressional representatives to acquire two state-of-the-art executive airplanes. As the overseer of the Pentagon's 55-year old athletic center, Mr. Hudson realized that the aging infrastructure of the current facility and the growing demand for fitness facilities in support of the Army's readiness mission required quick action. Once again, he negotiated prime real estate at the Pentagon for the construction of a new facility and fought for and won funding for the \$19 million project that offers a state-of-the-art facility comparable to well-known commercial fitness facilities.

Mr. Hudson's distinctive accomplishments, selflessness, dedication, commitment to excellence, and willingness to "go the extra mile" in supporting the Department of the Army, the Department of Defense and Joint Service activities in the Pentagon truly set a standard of excellence for others to follow. Mr. Hudson's distinctive accomplishments and selfless service in support of the Defense of our great nation truly set a standard of excellence worthy of emulation. I thank him on behalf of a grateful Nation and wish him well in his retirement.

WORLD AIDS DAY

Mr. LUGAR. Mr. President, I rise to comment on World AIDS Day, which was on December 1. The global HIV/AIDS pandemic is a humanitarian cri-

sis of horrific proportions. World AIDS Day is a day to remember the millions of lives lost to and devastated by this global pandemic and to strengthen our commitment to fight this disease.

Last year, Congress passed legislation that created the Office of the Global AIDS Coordinator and pledged \$15 billion over 5 years to address the HIV/AIDS crisis. The Senate Foreign Relations Committee continues to make HIV/AIDS a priority. Charged with the oversight of the President's initiative, we will continue to hold hearings and briefings on the subject of AIDS and the progress of the President's Emergency Plan for AIDS Relief. Earlier this year, for instance, we held a hearing focused on the intersection of HIV/AIDS and hunger. At this hearing, Ambassador Randall Tobias, the Global AIDS Coordinator, and Jim Morris, Executive Director of the World Food Program, testified about the devastating effects that the HIV/AIDS crisis is having on agricultural workers and the food supply in sub-Saharan Africa. In addition, we explored the special nutritional needs of individuals who are taking antiretroviral medication.

The theme of World AIDS Day this year, "Women, Girls, and HIV and AIDS," is an appropriate one. This disease is having a particularly devastating effect on women and girls around the world. We are just beginning to understand how women, and young girls in particular, are especially vulnerable to HIV and AIDS, due to a combination of biological, cultural, economic, social, and legal factors. Young girls constitute 75 percent of new infections in South Africa among individuals between 14 and 25 years of age. In Malawi, the National AIDS Commission has said that HIV and AIDS is killing more women than men, and that HIV-positive girls between 15 and 24 years of age outnumber males in the same age group by a six-to-one margin. Even in the United States, the disease is having a devastating effect on women and is the leading cause of death among African American women ages 25 to 34.

Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of taking care of sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Grandmothers often take the responsibility of caring for grandchildren, and older female children often take care of their younger siblings.

One such young girl is Fanny Madanitsa. Fanny is a 16-year-old girl living in Malawi with her two younger sisters and a brother. Life has been difficult for Fanny and her siblings since they lost their parents to AIDS. As the oldest child, Fanny must deal with the stress of taking care of her younger siblings. They live in a modest house and share one bed. Fanny dreams of

being a nurse, but reaching this goal will be a challenge for her. She cannot always attend classes, as she sometimes has to look after her siblings. Because money is scarce, she has a difficult time paying for school materials and other costs of her education.

But Fanny is more fortunate than many girls in similar circumstances. With the help of her Village AIDS Committee, a community-based organization that has organized to take care of the orphans in its village, Fanny and her siblings receive food, soap, school materials, and also medicines. Through the Village AIDS Committee, which receives support from Save the Children, the community assists Fanny in watching her siblings so she can attend school.

This June, I introduced the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004. My bill would require the United States Government to develop a comprehensive strategy for providing assistance to orphans and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Furthermore, my bill aims to improve enrollment and access to primary school education for orphans and vulnerable children by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs. School meals provide basic nutrition to children who otherwise do not have access to reliable food. They have been a proven incentive for poor and orphaned children to enroll in school.

In addition, many women and children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries, it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children. Although the legislation will not become law this session, I am hopeful that, with bipartisan support, it will become law early next year.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that, with the President's Emergency Plan for AIDS Relief, the Global Fund, and the Congress, we can make great strides in the battle against this pandemic.

Mr. LEVIN. Mr. President, December 1 marked the 17th annual observance of

World AIDS Day. HIV/AIDS is an epidemic that requires a global solution and the United States has a responsibility to lead the world in addressing this horrible disease.

Since the beginning of the HIV/AIDS epidemic more than two decades ago, over 21 million people have died as a result of this disease. Worldwide, more than 42 million people are living with HIV/AIDS. It is estimated that AIDS claims the lives of over 8,000 people per day and 5 million more people are infected with HIV/AIDS each year.

This year's theme for Global AIDS Day is "Women, Girls, HIV and AIDS" to recognize and call attention to the rapidly growing number of females with HIV/AIDS. Women, and especially young women, are almost two and a half times more vulnerable to the disease than men because of the social and educational inequalities they face in many areas of the world. Women are much more likely to be sexually abused and are less likely to be aware of the risks associated with unprotected sex and IV drug use. Women also risk passing the disease on to their newborn children. It is estimated that over 19 million women currently live with HIV/AIDS, of which 2 million will pass the disease on to over 700,000 newborn children worldwide this year alone.

Tragically, more Americans lost their lives to AIDS in the 1990s than in all wars in U.S. history. Currently it is estimated that there are nearly 950,000 Americans living with HIV/AIDS, nearly one-third of which do not know they are infected. The disease continues to spread throughout the country and we have seen infection rates among women and minorities rise at alarming rates over the last few years.

The vast majority of deaths from HIV/AIDS occur in the developing world, most notably in Africa where AIDS is the leading cause of death. While Africa accounts for only 10 percent of the world's population, approximately two-thirds of the world's HIV/AIDS cases occur there. There are an estimated 11,000 new infections per day in Africa and 57 percent of all women living with HIV/AIDS live in sub-Saharan Africa.

In addition, there have been dramatic increases in HIV/AIDS cases in Asia, Eastern Europe, and the Caribbean. This is clearly not a regional issue. The disease is spreading in every corner of the globe. The industrialized world has benefited greatly from new medicines that help people live with HIV/AIDS, but most developing countries still lack access to them in sufficient quantities. In many areas, non-governmental organizations are operating small-scale pilot programs that clearly are not adequate to meet the needs of the millions who are living with the disease. In order to successfully combat HIV/AIDS on a global scale, resources must continue to be made available to developing countries to assist in integrating prevention, treat-

ment, and education programs into a national health care system.

There are no easy solutions to the problems associated with this epidemic. Researchers are continuing to work hard to find new treatments and ultimately a cure for this devastating disease. Halting the spread of the epidemic requires prevention and a commitment to supporting organizations that are vigorously working to defeat HIV/AIDS through education, humanitarian relief, and public awareness.

We must recognize the sobering reality that this disease continues to spread and infect people around the globe regardless of race, gender, age, or income. Remembering those who have already lost their lives to HIV/AIDS requires us to redouble our efforts to defeat the disease and prevent its spread to new members of our communities.

NORTHERN ARIZONA FOREST LANDS EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT

Mr. McCAIN. Mr. President, after several years of negotiation and compromise, I am pleased that the Northern Arizona Forest Lands Exchange and Verde River Basin Partnership Act of 2004 was approved by the Senate today. Through the dedicated efforts of all parties, this bipartisan agreement provides a sound framework for a fair and equal value exchange of 50,000 acres of private and public land in Northern Arizona. The bill also addresses the water issues raised by the exchange of lands located within the Verde River Basin watershed by limiting water usage on certain exchanged lands and by supporting the development of a collaborative science based water resource planning and management entity for the Verde River Basin watershed.

It is gratifying that the compromise reached on the bill, after countless hours of deliberation and discussion, is both balanced and foresighted in terms of addressing the various issues raised by the exchange. I want to thank Senator KYL and his staff, as well as Senators DOMENICI and BINGAMAN, and their staffs on the Senate Energy and Natural Resources Committee, for their tireless efforts in reaching this agreement. I also want to recognize the work of Congressmen RENZI and HAYWORTH who have championed this legislation in the House of Representatives.

The bill sets forth a sound process for the achievement of a fair market value exchange which is expected to offer significant benefits for all parties. Benefits will accrue to the U.S. Forest Service and the public with the consolidation of checkerboard lands and the protection and enhanced management of extensive forest and grasslands. The communities of Flagstaff, Williams, and Camp Verde also will benefit in terms of economic development, water supply, and other important purposes.

Since introducing this legislation in April 2003, I have heard from hundreds

of Arizonans and learned first-hand of the significant water issues raised by the transfer of federal land into private ownership. I want to thank all of the citizens that offered their time, expertise, and interest and provided us with valuable information on these issues. In large measure because of their efforts, I am more keenly aware that one of the most crucial challenges facing Arizona is the wise management of its water resources, particularly as we endure extended drought coupled with rapid population growth. Therefore, I am pleased that in addition to facilitating the Northern Arizona land exchange, this bill includes a number of new provisions to address water supply concerns associated with the exchange.

First, in order to ensure that current water users and water rights holders are not adversely affected by increased future water demands, an agreement was reached to remove an 820 acre parcel of federal land in the Verde Valley, where the long-term availability of water supplies is uncertain and current problems exist. On the remaining 2000 acre parcel of federal land in the Verde Valley, a maximum water use limit of 300 acre-feet per year has been established along with other land and water use restrictions.

Further, this bill includes a new title which supports the creation of a Verde River Basin Partnership to advance sound water resource decision-making at the state and local level in Northern Arizona.

The development of a sound, long-term watershed management plan requires the involvement of all the stakeholders with water supply responsibilities and interests and a foundation of knowledge about available resources and existing demands. We are fortunate to have an existing model of collaborative science-based water resource planning and management with the Upper San Pedro Partnership in the Sierra Vista subwatershed of Arizona. In my view, the establishment of a similar, cooperative body in the Verde Basin will be a vital step in assuring the wise use of our limited water resources.

Again, I want to thank all of the parties involved in this legislation during the past several years.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of H.R. 3936, which is essentially a conference report on various veterans' health care measures. This bill will go far in giving the Department of Veterans Affairs, VA, the tools it needs to continue providing high-quality health care to our Nation's veterans. Though the bill contains many important provisions, I would like to draw attention to just a few of its key ones.

H.R. 3936 would authorize specialized centers to improve the rehabilitation services available to veterans suffering

from multiple combat injuries. The centers would focus on all aspects involved in the development of improved rehabilitation programs, including through research, education, and clinical activities. These comprehensive centers are designed specifically to fill the gap that currently exists in the treatment of the complex injuries that result from modern conflict. Due to technological advancements in warfare and body armor, as well as improvements in battlefield medical care, an increased number of service personnel are surviving wounds that probably would have been fatal in previous wars.

The centers would be part of a larger collaboration effort between the Department of Veterans Affairs, VA, and the Department of Defense, DoD, in order to improve the rehabilitation process and treatment of these service members once they have returned from overseas. The initiative as a whole truly represents the way in which VA health care is evolving with changes in the areas of warfare and health care delivery.

The Veterans Health Programs Improvement Act of 2004 also would require VA to track waiting times for specialty care services and subsequently issue to Congress a report on any such waiting times of more than 3 months. VA has been suffering from a severe shortage of specialty care physicians. This shortage has led to significant increases in the time it takes for veterans to get appointments for specialty services like audiology and ophthalmology.

This compromise legislation would also provide a fix for the way VA per diem payments to State homes for veterans are handled, as they relate to Medicaid. Recently, many State homes have become Medicaid-certified to secure eligibility for payment for any veteran who qualifies under the Medicaid program. However, Medicaid officials determined that VA per diem payments made to State homes for the care of veterans are "additional payments" made on behalf of an individual patient. Thus, VA's per diem payments must be reimbursed to the Medicaid program. This provision would specify that per diem payments made by VA for the care of veterans in State homes will not be used to offset or reduce any other payment made to assist veterans in securing health care services. The impact of this change will be felt in many States across the country, including my home State of Florida.

Mr. President, I am proud to have contributed to legislation that is so vital to the continued provision of quality health care to our Nation's veterans. I thank my colleagues in both Chambers of Congress for their support of this measure.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, as ranking member of the Com-

mittee on Veterans' Affairs, I am proud to announce the passage of S. 2486, the Veterans Benefits Improvement Act of 2004, by both Chambers of Congress.

This bill, which I shall call the compromise agreement, is the final version of a veterans omnibus bill. The compromise agreement will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty.

It is very appropriate that at a time when our airmen, soldiers, sailors and marines are in harm's way, that we remember the sacrifices that those before them have made on behalf of this great Nation by improving and expanding veterans benefits for our Nation's bravest and their families.

I will briefly highlight some of the more important provisions. For further explanation of the proposed legislation please see the Joint Explanatory Statement, which accompanied the passage of the bill.

Dependency and indemnity compensation is a monthly benefit paid to eligible survivors of service members who died on active duty, and of certain veterans. A larger monthly benefit is paid to surviving spouses with children under the age of 18. Under this legislation, dependency and indemnity compensation for survivors, with dependent children, of spouses killed on active duty would be increased by \$250 a month, for 2 years, beginning on the date when entitlement to benefits begins. A VA contracted study found that spouses with children had a higher level of unmet need than spouses without children. This provision is included to further aid the transition of surviving spouses with dependent children. We must make every effort to make certain that the families of service members who paid the ultimate sacrifice have their needs met.

Owning a home of one's own is the American Dream. This legislation would make that dream a reality for more of our veterans by increasing the maximum amount of the VA home loan guaranty. The current VA loan limit of \$240,000 restricts beneficiaries from using the guaranty because it is insufficient to cover median housing prices in many parts of the Nation. Section 403 of the compromise agreement would increase the maximum VA loan amount to \$333,700. It would also index the loan limit to 25 percent of the conforming loan limit for a single-family residence as set by Freddie Mac. This would allow the loan limit to continue to rise with the cost of housing inflation automatically. This change, coupled with the reinstatement of the VA adjustable rate mortgage loan program and improvement of the hybrid adjustable rate mortgage loan program will allow many more veterans to be able to purchase a home.

The second half of the American Dream is a college education. Educational assistance is provided to the surviving spouse of a service member or veteran who died of a service-connected injury, or the spouse of a veteran who is rated by VA to be totally and permanently disabled. The spouse has 10 years to use the entitlement. However, many surviving spouses, during this difficult transitional period, are busy raising children and working making it impossible to use the education benefit. This legislation would give an additional 10 years to the surviving spouse of a service member who died of a service-connected disability to use the benefit.

Under current law, a member of the Selected Reserve or National Guard must contribute a nonrefundable \$1,200 in order to participate in the Montgomery GI Bill education program. However, a member of the Selected Reserve must spend one year on active duty before being eligible for the program. Section 109 of the committee bill would create flexibility and allow the Montgomery GI Bill participation fee to be collected not later than 1 year after the completion of 2 years of active duty, ensuring that the Reserve or Guard has become eligible by satisfying the service requirement.

With the costs of attending college rising, it is important that we do as much for our veterans as possible so that they may reach their academic objectives. This legislation would allow VA to reimburse eligible beneficiaries for the cost of certain national admission tests, such as the Law School Admission Test, Graduate Record Exam, Graduate Management Admission Test, and Scholastic Aptitude Test, and for course credit at institutions of higher learning, such as the Advanced Placement Exam and College-Level Examination Program.

In keeping with this committee's continuing effort to aid veterans in attaining appropriate education and employment opportunities, this legislation improves the full-time apprenticeship and on-job training programs under the MGIB. Section 103 of the compromise agreement, for more than a 2-year period, would increase the full-time VA monthly educational assistance allowance payable to individuals participating in these training programs. For the first 6 months of training, the monthly benefit would increase to 85 percent from 75 percent; for the second 6 months, 65 percent from 55 percent; and the remainder of months, 45 percent from 35 percent. Additionally, section 104 of the compromise agreement authorizes VA to pay educational benefits to veterans participating in competency-based apprenticeships, in addition to time-based apprenticeships, bringing the VA program in line with the way most apprenticeship programs are structured today.

These provisions show our veterans America's continuing unwavering sup-

port of the service and sacrifice that they have made on behalf of this country. Particularly at a time when we are at war, we must ensure our service members that we will fulfill the commitment promised by Abraham Lincoln, "to care for him that shall have borne the battle and for his widow and his orphan."

In conclusion, I specifically thank Senator SPECTER and his benefits staff for their work on this comprehensive bill, specifically Bill Tuerk, Jon Towers and Chris McNamee, and my staff—Buddy Menn, Mary Schoelen, Dahlia Melendrez, Ted Pusey, Amanda Krohn, and Tandy Barrett, who recently left the committee, for all of their hard work in helping to put this legislation together. I thank my colleagues for their support of this legislation on behalf of America's veterans and their families.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of S. 2484, which reflects a compromise agreement on a new system for compensating physicians and dentists in the Department of Veterans Affairs, VA, health care system, as well as alternative work schedules for VA nurses. VA doctors and dentists have not gotten a pay adjustment in over a decade. All of these measures are aimed at improving VA's ability to recruit and retain quality health care professionals. I would like to highlight some of the key aspects of this legislation.

The compromise agreement would set forth a three-tiered system for paying VA physicians and dentists. The three tiers consist of base, market, and performance pay. The base pay element is similar to that employed by other Federal agencies, also known as the General Schedule, GS, system. As such, increases would be guaranteed for every 2 years a physician or dentist remains employed by VA.

The second component of the new pay system is market pay. This element would be implemented by the Secretary in the form of pay bands that will be determined by surveys of regional salaries in the academic and private sectors. Also relevant to the market pay determinations are factors such as the scarcity, or abundance, of certain specialty physicians, type and years of experience, and board certifications. Finally, the Secretary would consult with professional review panels composed of other physicians or dentists.

The final component is performance pay. Performance pay would be awarded to doctors and dentists if they meet certain goals and measures set forth by the Secretary. Currently, VA has extensive performance measures that it utilizes to motivate its health care pro-

viders and ensure quality of care. This element has a maximum of \$15,000 or 7.5 percent of the sum of the base and market pay.

One other major section of this agreement would establish alternative work schedules for VA nurses. It is widely known that the entire country is suffering from a nursing shortage. VA anticipates that it will be hit especially hard by the retirement of a significant portion of its nursing workforce over the next 10 years. S. 2484 would allow VA to employ different types of working schedules in order to attract more nurses to the system.

I am proud to have worked on this valuable piece of legislation for our Nation's veterans, and I thank my colleagues in both Chambers of Congress for their support.

RECENT VISIT TO CANADA BY PRESIDENT BUSH

Mr. CRAPO. Mr. President, I commend President Bush on his recent trip to Canada and efforts to build on our strong relations with our neighbor to the north. Canada is our Nation's largest trading partner and one of our closest allies, and this relationship must continue to remain vibrant and strong. As the co-chairman of the Canada-U.S. Interparliamentary Group, I continue to work with my peers in Canada to do what I can to assist in this effort.

Despite certain media coverage to the contrary, many Canadians warmly embrace Americans and the President's policies. I want to share comments made by Senator Jerry Grafstein in the Canadian Senate on the occasion of President Bush's visit. I ask unanimous consent that they be printed in the RECORD.

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

"MANIFEST DEMOCRACY"—THE BUSH DOCTRINE

Honourable senators, today President Bush visits Canada. We welcome President Bush, his wife and his senior advisers to our nation's capital. As Co-chair of the Canada-U.S. Interparliamentary Group, now the largest interparliamentary group in Parliament, it is my hope that Canada will actively engage President Bush and the Bush doctrine, which I call "Manifest Democracy."

Senators will recall that, in 1947 the then Minister of External Affairs, Louis St. Laurent, in Toronto defined the principles and practices of Canada's foreign policy based on these words: "freedom, liberty and democracy." Mr. St. Laurent and his then Deputy Minister, Mr. Pearson, were not confused by political debate or shifting political opinion within or outside Canada when it came to Canada's strategic interests.

In 1947, the UN was gridlocked. It was Mr. St. Laurent who convinced a reluctant Mr. King that Canada should take the lead in constructing and joining a transatlantic coalition of democracies to enhance our collective security called NATO. Mr. St. Laurent had learned well from the lessons of history—the sad experience of the League of Nations and the causes of World War II. Mr. St. Laurent believed in the democratic dialectic. Both Mr. St. Laurent and Mr. Pearson

were not confused. They understood that democracies did not make war with democracies.

Before the shock of 9/11, it seemed the 21st century voices for a democratic dialectic were muted. The origins of the Helsinki Process were forgotten. It was the Helsinki Process, in 1974, that laid the groundwork for democratic change in Europe. The Berlin Wall collapsed following the popular democratic movement of Solidarity in Poland and the "Velvet" revolution in the Czech Republic. The drive toward human rights and expanding democracies slowed at the turn of the century. Yet, the appetite for democracy once tasted cannot be easily satisfied. With the "Rose" revolution in Georgia, and now the "Orange" revolution in Ukraine, democracy is on the march again.

The Bush doctrine of manifest democracy provoked by September 11, 2001, continues to gain support by raising the banner of freedom, liberty and free markets. Public sentiment for democracy is rising not only in the East, in Georgia and now Ukraine, but across Eurasia, in Afghanistan and seeping into the dialectics of the Middle East as well as, painfully, in Iraq.

My hope is that Canada will regain its principal place as an active protagonist and creative partner for democracy, liberty and freedom and as a forceful agent in the spread of free trade and free markets around the globe.

Canada owns a capacious toolbox of democratic instruments and best practices that can quickly and cost-efficiently be deployed to help build the infrastructure of democracy—independent parliamentary commissions; parliamentary practices, including checks and balances; separation of powers; policing; independent judging and free trade agreements.

We hope that Prime Minister Martin and Canada will actively re-engage with President Bush and America, as we did after World War II, in a collective effort to spread democracy, free trade and free markets around the world.

REMEMBRANCE OF ATTACK ON PEARL HARBOR

Mr. LAUTENBERG. Mr. President, today marks the sixty-third anniversary of the horrific attacks on Pearl Harbor, HI, the first major attack on American soil by a foreign enemy since British troops set fire to the White House and the Capitol Building in the War of 1812. It was 60 years later, September 11, 2001, before the next attack took place on American soil. Pearl Harbor will always be remembered as the first incident to shock the collective psyche of our Nation out of its complacency.

Whether it could be classified as a terrorist act or otherwise, the attack on Pearl Harbor claimed the lives of 2,403 American servicemen. This event, perpetrated by a people who have long since reconciled their differences with America and the world, is a reminder to all of us of the sacrifices made by millions of individuals during this time of national peril. Their selfless actions and incredible courage in the face of extreme personal risk helped to ensure that the freedoms which are the bedrock of our country were preserved. We honor the memory of our countrymen who sacrificed their own lives, so oth-

ers could live, and the families who lost loved ones in the attack. And we honor the survivors of Pearl Harbor, including the roughly 6,000 who are still alive today. We must never forget any of these brave Americans.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

Mr. LEAHY. Mr. President, today, in the waning hours of this Congress, the Senate has passed legislation that will improve important parts of our intellectual property law. Sponsored by myself, as well as by Senators HATCH, CORNYN, BIDEN, and FEINSTEIN, the Family Entertainment and Copyright Act of 2004 is the product of many months of bipartisan effort. Many of its provisions have passed the Senate before, others have passed the House, and the package enjoys the well-justified support of the many stakeholders. I am especially grateful for the assistance and support of our colleagues in the House of Representatives as we have tried to craft a broad, consensus bill.

Intellectual property is one of the driving forces in our Nation's economy, but if we do not continue to protect it, we will lose our place as the global leader in its production. Just as importantly, the United States enjoys the fruits of the labors of a multitude of creative and talented artists and inventors. Our arts and sciences bring not only monetary revenue to the country, but deep artistic satisfaction and rewards on a cultural level. The Digital Age has great potential to bring more of each.

Digital technology has allowed producers of intellectual property to find new and innovative ways to create and distribute their products, and it has enhanced our position as a global leader in the creation of cultural and intellectual works. However, the ease of duplication and nearly instantaneous communication that make these technologies so wonderful has also been used by some to undermine intellectual property rights; as a result, many of our copyright-holders are reluctant to embrace the very tools that offer so much to consumers and, if used legally, to our innovators. Thus, we face a key challenge: to preserve intellectual property rights while at the same time promoting the growth of new technologies. This act responds to the challenge. It bolsters our intellectual property protections while preserving the freedom necessary to make full use of music, movies, and other entertainment. The act also takes important steps to preserve our Nation's rich cultural heritage, and to ensure that this heritage remains available to our children.

The act includes the version of the CREATE Act that has passed both the House and Senate. That bill corrects for a provision in the Bayh-Dole Act which, when read literally by the Court of Appeals for the Federal, runs

counter to the intent of that legislation. The correction will encourage more of the joint efforts between private industry and research universities that have proved so fruitful to the U.S. economy, our research universities, and the many Americans who work in the patent industries.

It also includes a version of the National Film Preservation Act and the Preservation of Orphan Works Act. These two provisions each play an important role in preserving our national heritage. The National Film Preservation Act, which I first introduced on November 21, 2003, reauthorizes a Library of Congress program dedicated to saving rare and significant films. The Preservation of Orphan Works Act corrects a drafting error in the Sonny Bono Copyright Term Extension Act. Correction of this error will allow libraries to create copies of certain copyrighted works, such as films and musical compositions that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

The act also includes the Artists' Rights and Theft Prevention Act, which protects filmmakers from an increasingly common threat: the theft of their work by individuals who record films as they are played in theaters. Part of that provision directs the Register of Copyrights to create a registry of pre-release works in order to better address the problems associated with piracy of creative works before they are offered for legal distribution and provides improved remedies for such piracy.

It also includes the Anti-counterfeiting Act of 2004, an important piece of legislation that Senator BIDEN has championed for several years. This provision adds much-needed protections to those who create records, films, and computer programs, by expanding the prohibition on affixing counterfeit labels to such products. Another provision, the Fraudulent Online Identity Sanctions Act, enhances the integrity of the Internet by creating a rebuttable presumption that a trademark or copyright infringer acted willfully if that infringer used false information to register a domain name used in connection with the infringement. It also increases penalties for crimes committed using fraudulently-acquired domain names.

Finally, the act includes the Family Movie Act, which will preserve the right of home viewers to watch motion pictures in the manner they see fit. At the same time, the act protects the rights of directors and copyright holders to maintain the artistic vision and integrity of their works.

I thank my colleagues on both sides of the aisle, and in both houses of Congress, for their hard work on this bill. Our efforts here should be a model for achieving legislative consensus in this area, and others, in the future.

ARUBA AND COUNTER-TERRORISM
FINANCING

Mr. BURNS. Mr. President, I rise today to pay tribute to the Government of Aruba, a leader in the fight to stop the flow of terrorist funds in the Caribbean and Latin America. There can be no doubt that terrorism is the defining challenge of the Nation since 9-11. While I have always believed that the United States must boldly and confidently lead the way in this brutal war we find ourselves in, I believe that help from our allies is essential to stop the financial networks that support terrorism.

One of the most important fronts in the war on terror concerns the funding mechanisms that support terrorist activities, including underground financial systems, illicit charities, and corrupt financial service providers. Financiers, fundraisers, or donors who provide financial support to terrorists need to be stopped.

Earlier this year, I had met with the Prime Minister of Aruba, Mr. Nelson Oduber. We discussed the international threat of terrorism and a number of other issues. Prime Minister Oduber stressed his nation's support for stopping terrorism and his determination in stopping money laundering and terrorist financing in his nation.

In fact, Aruba's leadership in this field started in 1990 when it hosted what became known as the Aruba Drug Money Laundering Conference, a regional mirror of the Financial Action Task Force—FATF—launched at the Paris G-7 summit of 1989. This started a process, which eventually led to the creation of the Caribbean Financial Action Task Force—CFATF—an organization that now plays a key role in the War on Terror. On October 30, 2001, the FATF adopted eight special recommendations on terrorist financing and Aruba has moved to implement some of those recommendations.

I pay tribute today to Aruba for joining the United States of America in the War on Terror.

SUPPORT OF LAW ENFORCEMENT

Mr. CAMPBELL. Mr. President, as a former Sacramento County, CA, sheriff's deputy, I have, throughout my congressional career, zealously sought to ensure the safety and effectiveness of America's Federal, tribal, State and local law enforcement officers. I have also worked hard to promote a better understanding and appreciation of law enforcement's extraordinary service and sacrifice by the American public.

Underscoring this commitment, I was proud to have authored a number of important laws, including the National Law Enforcement Museum Act (P.L. 106-492); the Law Enforcement Officers Safety Act of 2003 (P.L. 108-277); the Bulletproof Vest Partnership Act (P.L. 106-517); the Cops in School Act of 1998 (P.L. 105-302) and the resolution passed each year to designate May 15 as Na-

tional Peace Officers Memorial Day. I want to take this opportunity to also commend my deputy chief of staff and legislative director, Larry Vigil, for all of his good work in getting these important initiatives passed on behalf of law enforcement.

As I conclude my tenure in the U.S. Senate, I challenge my colleagues and those who will follow in my footsteps to continue this valuable and necessary work to support those brave individuals who are putting their lives at risk each and every day for our safety and protection. There are currently some 870,000 sworn law enforcement officers serving our Nation. Each year, on average, 167 officers are killed in the line of duty—that is one officer killed somewhere in America every 53 hours. Roughly 58,000 officers are assaulted each year, resulting in about 17,000 injuries. It is the most dangerous profession in our Nation, and also one of the most important.

An inscription on the National Law Enforcement Officers Memorial, just a few blocks from here in a place called Judiciary Square, says it best: "In valor there is hope." As long as there are men and women among us who are willing to put their lives on the line for others, there is indeed great hope for this Nation of ours.

But, it must be remembered that our officers cannot do their job effectively or safely without the necessary resources. This means the best possible training and equipment, especially bullet-resistant vests for every officer. Studies have clearly shown that these vests save police lives. In fact, nearly 3,000 police lives have been saved by bullet resistant vests since they first started being used some 30 years ago.

But, another vital resource that our officers need is the trust and support of the American public they serve. That is why one of my proudest achievements as a legislator and former law enforcement officer was authoring the law to establish a National Law Enforcement Museum here in our Nation's capital. The U.S. Department of Justice has determined that only about one out of five Americans has any direct contact with a law enforcement officer during the course of a normal year, and most of those contacts are traffic stops. The fact is that most of our citizens draw their conclusions about law enforcement from the fictional works of Hollywood and the often sensationalized reporting by the media. Most Americans do not truly understand, nor fully appreciate the tremendous worth of the law enforcement profession to our Nation.

But all of that will soon change when the doors of the National Law Enforcement Museum open, which is expected to happen in 2009. Finally, we will have a popular destination here in Washington, DC, devoted to telling law enforcement's true story of selfless service and supreme sacrifice. Through some of the most entertaining and stimulating exhibit ideas I have ever

seen for a museum, visitors will experience what it is like to walk in the shoes of a police officer, and to make split-second, life-or-death decisions. They will understand the vital roles our officers played in every pivotal moment of our Nation's history, including the taming of the Wild West, and the wars against gangsters, drug lords and now, terrorists. In short, this museum will vastly increase public understanding and support for law enforcement, and the museum's research repository will contribute greatly to promoting police safety. It will truly be a must-see destination in our Nation's capital and, appropriately, it will be located right across the street from the National Law Enforcement Officers Memorial.

I want to commend Craig W. Floyd, the chairman of the National Law Enforcement Officers Memorial Fund, his talented staff and dedicated board of directors for working so hard to make this museum a reality, just like they made the National Law Enforcement Officers Memorial a reality in 1991. Neither of these projects would be successful, though, without the generous funding provided by citizens and corporations across this country and I am grateful to see that support pouring in for the museum.

I pledge my continued full support for this museum project and I challenge my colleagues to do the same. That means ensuring that during the public approval process the integrity and importance of this museum as a major visual presence in Judiciary Square must not be compromised in any way.

Those dedicated public servants of the law enforcement profession—especially the more than 16,500 officers who have made the ultimate sacrifice in the performance of duty, and their families—deserve no less.

ELDER JUSTICE ACT

Mr. GRAHAM of Florida. Mr. President, I wish to commend Senator JOHN BREAUX and his staff for their excellent work on the Elder Justice Act. They have worked long and hard on this legislation, and I share their strong desire to see it pass the Senate this year.

I would like to share the comments I received from two Florida attorneys, Nick Cox and Mark Shalloway, who have extensive knowledge and experience in elder justice issues.

Nick Cox is a professor at the Stetson University College of Law in St. Petersburg, where he specializes in elder consumer protection matters and works on a special Federal project within the Elder Law Center. Mr. Cox, a former State prosecutor, worked for Attorneys General Bob Butterworth and Charlie Crist as their acting central Florida regional deputy and bureau chief of the Economic Crimes Division, which is the Florida Attorney General's consumer protection unit. Mr. Cox's comments are as follows:

I feel very strongly about passage of this act from a consumer protection standpoint. At this time I have been researching criminal elder exploitation issues and have found that there is a complete lacking in good support research. Despite several attempts to get a statistical handle on how bad criminal exploitation of the elderly is, the reports that have been done have been consistently criticized or found to be scientifically/statistically deficient. The Elder Justice Act calls for such research to be done on a national level and would provide the needed data that could assist those of us in the field of identifying the primary issues and hopefully some suggestions for solutions to the problem.

I also am very excited about the call in the Elder Justice Act for nationwide centers of excellence for study into these matters. We have already begun such work here at Stetson, but we can only address it on a regional basis here given the magnitude of our senior populations in Florida and throughout the Southeast United States. However, the work we have done so far has been very well received and applauded by those in the aging network. I think the Elder Justice Act would also give us some significant strides forward in that respect as well.

I also, as a former prosecutor, appreciate the attention it seems to give to increasing prosecutions. From the exploitation standpoint, I have experienced the positive outcome of criminally charging scam artists and the resulting change in business practices in that area. My office conducted undercover sting operations with the Florida Department of Law Enforcement. Once we convinced a prosecutor to charge a few of the salesmen and business owners who were targeting and scaring seniors into buying unneeded and overpriced equipment, there was an immediate change in the manner in which other companies conducted business.

Anything we can do to encourage or mandate criminal prosecutions will be a positive step. I think the Elder Justice Act starts us in the right direction.

Mark Shalloway is a practicing attorney in West Palm Beach and has extensive experience in elder abuse and exploitation. Mr. Shalloway's comments are as follows:

Elder Law attorneys, including my Florida colleagues see a great deal of elder abuse and financial exploitation on a weekly to monthly basis in our offices. The National Academy of Elder Law Attorneys (NAELA) is one of the five founding members of the Elder Justice Coalition that has worked for several years to get this piece of legislation passed. Senator Breaux and other supporters, like yourself, deserve much credit for keeping this bill on the front burner during a year when few bills have been addressed.

The revised version of S. 333 that the Finance Committee has marked up is not as comprehensive as the original bill, but is a great starting point and should be passed by the full Senate as soon as possible.

As a Long-Term Care Ombudsman in Florida, I am anecdotally aware of the difficulties in identifying and prosecuting crimes against the elderly. This Act should give greater recognition to a silent but huge and growing problem.

I agree with the comments of Mr. Cox and Mr. Shalloway, and have thus strongly supported passage of the Elder Justice Act.

During Finance Committee deliberations of the Elder Justice Act, I added two critically important provisions to the bill. These amendments strengthened the bill immensely, would have

greatly improved patient safety in long-term care facilities, and, in fact, would have saved lives.

Therefore, I am greatly disappointed that my patient safety provisions were the basis of an objection from Senator GREGG. That objection resulted in the provisions being stripped from the Elder Justice Act. The result? The legislation will do less on behalf of our elderly Americans than it could have done, and the elderly will continue to suffer from adverse events and death as a result of medication errors. This disappoints me deeply.

I would like to briefly describe the two amendments I had hoped would be part of the Elder Justice Act.

The first would have provided grants to long-term care facilities to improve quality and prevent neglect by improving patient safety and reducing health care complications and deaths resulting from medication errors in long-term care settings.

Section 108 of the Medicare Modernization Act gave authority to the Secretary to make such grants available to physicians in order to improve the quality of care and patient safety in physician offices. We should strive for no less for our patients in long-term care facilities.

According to the Institute of Medicine, medical errors cause up to 98,000 deaths in this country each year, in addition to otherwise avoidable injuries, hospitalizations, and expenses.

Although technologies are available to reduce errors and save lives, start-up costs and a lack of awareness have slowed the diffusion of these technologies, and prevented our long-term care facilities and elderly patients from reaping the benefits of these technologies.

The grant program would improve patient safety among the elderly by reducing medication errors in long-term care facilities. Grant money could be used by long-term care facilities to purchase proven technologies; the adoption of computer physician order entry systems, for example, is an essential component of any effective strategy to reduce medication errors.

Purchase and deployment of such systems is a substantial investment. Costs can delay the rapid introduction of new information technologies into long-term care facilities that already are grappling with other major financial challenges.

The grant program would have reduced this barrier by providing financial incentives for long term care facilities to adopt the resource intensive information technologies essential to system wide strategies for reducing and eventually ending most medication errors.

We know how to improve patient safety. We know how to save lives. My provision to create a grant program would have done just that, and I deeply regret having to strike the provision because of Senator GREGG's objection to it.

My second amendment would have required the Secretary of Health and Human Services to develop a plan for adopting open standards to enable improved electronic submission of clinical data by long term care facilities and allowing electronic transmission of data using such standards.

Although the Medicare Modernization Act requires the Secretary to develop uniform standards relating to requirements for electronic prescription drug programs, there is no provision for adopting uniform standards for data not related to prescription drug programs and no requirement that the Secretary allow long term care facilities to submit data electronically to HHS using uniform open standards.

The use of open standards is critical to ensuring that systems are able to communicate with each other and without human manipulation, thus allowing information to be processed automatically and quickly. Automatic, expedited processing of information will reduce neglect in the form of medical errors and save lives.

Currently, data may only be transmitted electronically using spreadsheets, PDFs, or SAS transport files. This form of submission does not allow systems to communicate with each other, and slows the processing of information.

I would like to explain the importance of this amendment to my constituents back in Florida and to people throughout our country.

Flu season is approaching. Without timely and accurate information to guide public health officials and physicians, seniors in my State and throughout the country are at risk. But, the public health system currently relies on a slow and unreliable methods of tracking outbreaks such as postcards and phonecalls from physicians and other medical professionals. If I want to get information on the health status of 290 million Americans, post cards and telephone calls simply aren't adequate. We need to use electronic reporting based on some common method of collecting that data to make public health safer.

Vioxx provides another example. Vioxx is a drug used for arthritis by seniors throughout the world; it was withdrawn by its manufacturer this fall. Vioxx was first sold in the United States 5 years ago and has been marketed in more than 80 countries. Worldwide sales of Vioxx in 2003 were \$2.5 billion. It is a major drug with broad use. But, the FDA relies on slow and unreliable methods of tracking problems associated with drugs that may only appear after they go into broad use. Although prescriptions are one of the most thoroughly computerized areas in medicine, the FDA relies on slow and unreliable methods to track medical problems resulting from drug use. We need to use electronic reporting based on common method of collecting that data to make drug use safer.

One last example: heart conditions are one of the leading diseases affecting Medicare patients and heart attacks can result in deaths and high costs. Many heart attack victims can be helped if they receive drugs to assist their damaged heart while it recovers. CMS studies indicate that many of the victims do not receive those medications. But, CMS collects that data with great effort—relying on many health professionals to extract data from clinical records and summarize the data for analysis. By the time the data is available, the patient has met their fate and the time for correcting a mistake, for getting them a lifesaving drug, has passed. We need to use electronic reporting based on a common method of collecting data to improve quality of care and patient safety for those in long-term care facilities, and for all Medicare patients.

I had hoped to see these measures pass in my final days in the Senate and thus leave patients with a safer medical system. I am deeply disappointed in the removal of the amendments from the Elder Justice Act.

However because of my great desire to see the Elder Justice Act go through, I removed my hold on the legislation on Wednesday, November 17. It is my understanding that the Elder Justice Act has not yet cleared the Senate because of Republican objections to the substance of the legislation.

I share Senator BREAUX's desire to see the legislation enacted this year, and fervently hope that may still be possible.

"HUGS, NOT BULLETS"

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues a campaign by the Neighborhood Service Organization's Youth Initiatives Project in Detroit, MI, called "Hugs, Not Bullets." This is an outstanding example of involvement by youth leaders who want to make a difference in their community by decreasing gun violence.

The Youth Initiatives Project was created in 1999 to address growing community issues including violence and substance abuse in Detroit. For five years, community organizations and students have been involved in a coordinated effort to accomplish the goals of the project. Previous Youth Initiatives Project campaigns have focused on after-school programs to reduce gun violence and increase the use of trigger locks in homes.

The current campaign, "Hugs, Not Bullets," is intended to reduce the use of firearms during the celebration of the New Year's holiday. Youth leaders have been organizing for months and plan to enlist over 200 students and numerous community groups in support of the campaign. Several rallies and a candlelight vigil are planned to draw attention to the campaign and the issue of gun safety. In addition, the

centerpiece of the campaign is a four-foot by eight-foot card which will make its way through schools and the community to be signed by those who pledge to help reduce gun violence over the New Year's holiday. The card will serve as a powerful symbol of the community's determination to fight violence, particularly involving firearms.

I would like to express my heartfelt thanks to the members of the Youth Initiatives Project for their hard work to bring an end to the gun violence that continues to plague our society. I am hopeful that the 109th Congress will do more to support their efforts and pass sensible gun safety legislation. We owe it to them, to our police officers, and to our communities to do all we can to keep dangerous guns off of our streets.

EDUCATION

Mr. ENZI. Mr. President, I appreciate having this opportunity to express my congratulations and note for the RECORD the achievements of Dr. Steven F. Barrett who has just been named the Wyoming Professor of the Year. This prestigious honor is the only national award that recognizes the performance of college and university professors who have produced outstanding results as undergraduate teachers and mentors.

As an assistant professor of Electrical and Computer Engineering at the University of Wyoming, Dr. Barrett has served as a role model for his colleagues on the school's academic staff, as well as the students he teaches in his classes. His unique teaching style gets students more involved in their classes and increases their commitment to the successful completion of their education.

Dr. Barrett played a key role in the effort to improve the electrical and computer engineering curriculum. He revived courses in biomedical engineering and image processing that had not been taught for years. He also served on a committee to establish a computer engineering degree at the university. Thanks in no small part to his efforts, the degree was approved by the university trustees in 2000, and the first students graduated from the program in 2001. Wyoming students now have the chance to obtain a degree in one of the fastest growing job industries. That will help to improve their future chances for success and the ability of our workforce to compete in an ever changing job market.

Dr. Barrett's dedication to his profession extends far beyond his efforts to establish the computer engineering degree. To ensure his students have the skills they will need to prepare them for post graduate life, he has upgraded the department's course work and laboratory activities involving micro-controllers, which are small self-contained computers. When he couldn't find a textbook he liked for the degree, he contacted a close friend and former

colleague to help him write a text that he could use in his classes. He has gone on to write another textbook and is in the process of completing a third. He truly does exemplify the characteristics needed to get students excited about education and what they need to do to reach their greatest potential.

Dr. Barrett's classes provide his students with a unique opportunity not only to learn, but to take a more active role in the process by helping to teach what they have learned. He applied for and was able to secure funding from the National Science Foundation for a program that improves the interaction between undergraduates and those with assistive technology needs. Through the program, students have had the support and encouragement they needed to develop a workshop to teach assistive technology professionals how to adapt off-the-shelf toys to assistive technology teaching aids. His students were also involved in the effort to create a 50-page workshop manual that they then used to help teach the workshop to assistive technology professionals across the state of Wyoming. By giving students these life experiences, they can more readily see the positive impact of the skills they have developed in the effort to improve the lives and education of others.

Wyoming can be very proud of professors such as Dr. Barrett who are such an integral part of our Wyoming school system. His dedication to the future of his students and his enthusiasm for teaching continues to improve the quality of the education Wyoming students receive in our schools, and better prepares them for the challenges they will face in their postgraduate years.

UNITED STATES CAPITOL HOLIDAY TREE

Mr. WARNER. Mr. President, I rise today to celebrate Virginia's role as the 2004 provider of the annual U.S. Capitol Holiday Tree, selected each year from America's national forests.

In recent decades, the traditional Christmas tree has moved beyond its place as solely a religious symbol in the homes of hundreds of millions of Americans. Although the Christmas tree will always, and rightfully, have a special meaning in Christian homes, today all Americans await the annual tree-trimming to signal the beginning of the year-end religious and holiday season.

It is with great pleasure that I join my colleagues from the Virginia congressional delegation in recognizing the first-ever contribution from the Commonwealth of Virginia to this fine tradition. This year, our State, the home of the first English-speaking colony in the Americas, and home to our first President, George Washington, and eight of his successors, will make America proud as the home of the Nation's holiday tree for the first time since this tradition began 40 years ago.

The poet Samuel Taylor Coleridge wrote of friendship as a "sheltering

tree." And this year, thousands of Virginians—from all ages and from all across the Commonwealth—have extended the right hand of friendship to their fellow Americans by providing this great tree for display in our Nation's capital.

At five o'clock on the evening of December 9, the Speaker of the House of Representatives will mark the official beginning of America's holiday season by lighting 10,000 small lights on a 79-year-old Virginia red spruce that, until last month, stood as one of Virginia's finest. Without question, it has lived through a remarkable period in our Nation's history.

That flip of a switch will culminate over a year of activity by ordinary Virginians, park rangers, State officials, schoolchildren and countless others in selecting, preparing and decorating this wonderful, 82-foot tree from Warm Springs Ranger District of the George Washington National Forest in Highland County.

All Virginians rightfully take pride that this 7,500 pound tree will remain lit each evening on the National Mall until the 2nd of January, welcoming the Christmas and Holiday season for citizens across this great land. Since the day last month that the tree was airlifted from its place in the George Washington National Forest, Virginians from every corner of the Commonwealth have played a part in getting this wonderful tree ready for primetime. Beginning on November 13, the spruce visited 33 communities in our State on its way to the National Mall: Monterey, Winchester, Leesburg, Culpeper, King George County, Westmoreland County, Henrico County, Petersburg, Charles City, Hampton, Onancock, Cape Charles, Virginia Beach, Norfolk, Suffolk, Emporia, South Boston, Chatham, Damascus, Smyth County/Marion, Wise, Tazewell, Wytheville, Clifton Forge, New Market, Staunton, New Castle, Roanoke, Orange, Amherst, Farmville, Manassas, Alexandria, and Vienna.

In addition to the thousands of Virginians who greeted the tree on its way to Washington, thousands of other school children, scouts, State and Federal officials, police departments, members of 4-H clubs, and citizen volunteers also took part in crafting and preparing some 10,000 original ornaments for the tree. Approximately 5,000 of these will hang on the holiday tree, and the rest will decorate 70 smaller companion trees in the Nation's capital.

As the time-intensive, individual contributions of tens of thousands of Virginians demonstrate, our State is proud to take a lead role this year in welcoming in the Christmas and holiday season for our fellow Americans. On a personal note, one of my longest-serving and hardest-working staff members, Ms. Doriene Steeves, has played a key organizing role in putting together this wonderful event for the benefit of our State and our Nation. I

salute her and those other Virginians whose hard work and creativity have brought this magnificent tree to the Nation's doorstep for all to see and appreciate through the holidays.

HONORING TOM BROKAW

Mr. JOHNSON. Mr. President, I rise today to publicly honor and recognize one of South Dakota's favorite sons, Tom Brokaw. He has had an extraordinarily successful career as anchor of NBC Nightly News. During his 21-year reign as anchor, NBC moved from the least watched to the most watched network newscast.

Born in Webster, SD, in 1940, Mr. Brokaw attended high school in Yankton, SD, and began his journalism career after graduating from the University of South Dakota in 1962. He was hired by NBC news in 1966.

Throughout his tenure at NBC, Mr. Brokaw has gathered an impressive list of accomplishments. In 1987, he was the first American to interview Soviet Premier Mikhail Gorbachev, and this exclusive one-on-one from the Kremlin earned him the prestigious Alfred I. duPont Award. Mr. Brokaw was also the first American anchor to interview the Dalai Lama and to report on human rights abuses in Tibet. In 1989, Mr. Brokaw was the only anchor at the scene when the Berlin Wall fell, and in 1995 he was the first anchor to report from the site of the Oklahoma City bombing. He was also the first American anchor to interview Russian President Vladimir Putin in 2000. Mr. Brokaw has reported live from war zones in Iraq, Afghanistan, and Kosovo.

Mr. Brokaw is a highly respected political journalist, having covered every American election since 1968. He anchored all of NBC's political coverage from 1984 through 2004, including primaries, national conventions, and election nights. He has also moderated nine primary and general election debates, including the Presidential debates of 1987 and 1991.

In 1997, Mr. Brokaw won his second duPont award for "Why Can't We Live Together," a documentary examining the racial separation within American suburbs. He won his first Peabody award in 1989 for examining American society in his report, "To Be An American," and received another Peabody in 2004 for "Tom Brokaw Reports: A Question of Fairness," which discussed the University of Michigan affirmative action case and the history of affirmative action in the United States. Mr. Brokaw has received seven Emmy awards for reports on China, the 1992 floods in the Midwest, and the 1999 Kosovo conflict, among others.

With his 1998 book "The Greatest Generation," Mr. Brokaw became a best selling author. "The Greatest Generation Speaks," "An Album of Memories," and "A Long Way from Home" subsequently followed. He has also contributed to The New York Times, The Washington Post, The Los Angeles Times, Newsweek, and Time.

Prior to his position as sole anchor for NBC Nightly News, Mr. Brokaw served as Whitehouse Correspondent for NBC from 1973 to 1976, reporting on the Watergate scandal, and from 1976 to 1981 he anchored NBC's "Today."

After 38 years with NBC, Tom and his wife Meredith will be moving on to new challenges. Tom and Meredith have never forgotten their South Dakota roots and have returned home with great frequency. Their generous contributions of time and financial assistance to projects in Yankton, at the University of South Dakota, and throughout our State reflects their wonderful spirit of giving and a commitment to an enhanced quality of life for all South Dakotans. It is with great honor that I share his impressive accomplishments with my colleagues.

IN HONOR OF THE ARLES GREENE FAMILY

Mr. ALEXANDER. Mr. President, I have a few words before we adjourn for the holidays. This isn't the first year that there will be a lot of empty places at our holiday dinner tables. Even if our own table doesn't have a missing spot, we know a neighbor or a friend whose brother, mother, or husband is away fighting to keep us safe at home. These empty places remind us of the generations of men and women who have sacrificed to keep us free so that we can, in freedom, celebrate those holidays that are important to each of us.

Today I rise to honor the service of the family of Arles Greene of Hendersonville, TN. Arles's family has a lot of empty places around their dinner table in the Second World War. Arles's father Eugene W. Greene, his uncle William Edwin McDavid and friend Ed Gallbreath, Jr., all served some 60 years ago.

Ed Galbreath, Jr., a friend of Arles's family, joined the Air Force in February 1944, during his senior year of high school. He flew 23½ missions as a gunman, operated a VHF radio, and worked the radar jammers. He survived four crashes. In his last crash, out of a B-24 Tiger Shark, he landed in Berlin where he was taken prisoner. He spent months in confinement with some 6,000 other prisoners of war until he was liberated by the Russian Army. For his bravery, Sergeant Galbreath received many awards, including the Air Medal with three Oak Leaf Clusters, the Purple Heart, the P.O.W. Medal, and the Parachute Club Medal. His understanding of those prisons shaped his many future contributions to his community of Goodlettsville, TN.

In October of 1943, Arles's uncle, PVT William Edwin McDavid, left Moccasin Gap, Virginia, to serve in the 38th Infantry Division. Private McDavid was just 18 years old when he served in Normandy, the Rhineland, the Ardennes, and northern France. While fighting in the Battle of the Bulge on New Year's Eve of 1944, McDavid suffered frost-bitten hands that ended his infantry

career. Private McDavid's service and bravery was recognized with the award of a European-African Theatre Ribbon with four Bronze Battle Stars, a Bronze Star Medal, and a Purple Heart.

Arles's father, Eugene Greene, began his career with the U.S. Army in July 1944. The oldest of 12 children, he enlisted at 18 years old with the Hancock County Draft Board. He served with the U.S. Army infantry, 2nd Division, 9th Regiment that assisted in the liberation of Nazi concentration camps in the spring of 1945. Greene and his unit liberated the death camps at Dachau. He remembers finding only 25 people alive at the sub-camp where he shot a lock off a prison gate setting them free. Those prisoners rushed to drink the milk of Holstein cattle pastured nearby.

Eugene met General Patton shortly before his death. He says of Patton, "He was over there to get a job done, and that's what he did." Eugene Greene returned with many memories of the war. Most of these he buried in the fields of his Tennessee farm, but some lived on—the faith he had in his fellow soldiers, in his family, and in God.

I have had a lot to say about the importance of teaching American history and civics to help our children grow up understanding what it means to be an American. The teacher in me thinks of this tribute as an assignment. I hope when we gather around our holiday tables this season we pause to take stock, like Arles did, to answer what our own families have contributed to America's history and to answering the question of what it means to be an American.

Thank you for allowing me to honor my friend Arles Greene and his family.

TRIBUTE TO MS. GLORIA MARTIN

Mr. SHELBY. Mr. President, today I honor Ms. Gloria Martin, a legal assistant to the Battalion Commander, 1st Battalion, 210th Aviation Regiment, Fort Rucker, AL. Ms. Martin was hired at Fort Rucker in January of 1980. She has 24 years of exemplary and dedicated service to the United States Army and Fort Rucker.

This morning, the Army will honor Ms. Martin with the Army Outstanding Employee of the Year with a Disability Award. Later today, Ms. Martin will be honored by the Department of Defense as the Army's recipient of the DoD Outstanding Disabled Employee of the Year Award. Ms. Martin will also be honored with the Meritorious Civilian Service Award.

Ms. Martin was born on August 13, 1955, to Paul and Mallie Martin in Opp, AL. Ms. Martin has five brothers and sisters, including her twin sister Gladys. While Gladys was born healthy, Gloria suffered from serious abnormalities that she has battled her entire life. The debilitating effects of scoliosis, neurofibromatosis and osteoporosis required a series of major back surgeries, the first when Gloria was 5 years old

making her childhood very difficult. Through all the surgeries and many months of recovery and therapy, Gloria showed great courage and strength by working extremely hard to complete her school work to remain with her peers. She completed elementary school on time, and she also completed high school on time. She went on to complete a business course as a member of the Dean's List at Douglas MacArthur Technical College and worked two jobs before being hired at Fort Rucker.

Gloria faced another major back surgery in 1992 and, despite complications that required a prolonged absence, she returned to her job at Fort Rucker with the same fierce determination and strength of will that had made her such a popular and respected colleague with so many of her fellow employees. A back injury in 2000 that left her with a compression fracture in her middle back did not deter Gloria from continuing to perform her duties from home as best she could. But Gloria returned to work at Fort Rucker with the help of a walker and cane even though she was in constant, often severe, pain.

Gloria Martin's tenacious and courageous service to the Army and Fort Rucker is being very rightly rewarded. She has a wonderfully supportive family, and she also loves her church, the First Assembly of God in Kinston, AL. She has held many leadership positions in her church and participates in community service activities. In a recent Army Flier article, Ms. Martin put her experience in perspective when she said, "I think it's made me a stronger person because I grew up going to the Hospital and to doctor appointments a lot. I feel like it has strengthened my faith because when you have a disability, you have to depend more on God. My faith gives me confidence in my abilities. It gives me the strength to get up in the morning. I know that my faith in God and His care has enabled me to keep working."

Gloria Martin is a very special lady, and I am very proud to join the Army and Department of Defense in honoring her tremendous accomplishments and extraordinary service to our military. She is a role model for us all. She is an example for so many others with disabilities and a true testament to what faith and personal courage can accomplish. She has touched many lives, and I thank her today for her service.

KEITH KIDD

Mrs. HUTCHISON. Mr. President, over the Thanksgiving weekend, I received a letter from a State Department employee from Dallas, Keith Kidd, who left his previous job to serve in Afghanistan in 2003 and then in Iraq early this year. As a representative from the U.S. Embassy to Iraq, he worked with military and civilian leaders from the Western Al Anbar Province. I want to share his Thanksgiving

message to his friends and family because he represents the best of America and his letter reflects the positive spirit that is so representative of our country. He has volunteered for the mission to stabilize Iraq and help the Iraqi people have the freedom and democracy that every human being deserves. I hope this letter makes every American proud of the thousands of U.S. men and women, both military and civilian, serving bravely overseas during the holidays.

His letter reads as follows:

Greetings from Ramadi.

As Thanksgiving draws near, I found it fitting to tally my blessings. As it turns out, I have oodles of them.

I'm thankful that I'm alive. All of the attempts on my life have failed. I realize I'm wrecking some poor terrorist's batting average, but that's just tough. I'm thankful for the guys on my Personal Security Detail who help ensure those attempts keep failing. I'm thankful for my health. The dust storms are bad for my eyes, nose, throat and lungs so I cry, sneeze and cough but it could be much worse. Much worse.

I'm thankful for the Dining Facility. The grub is not all that good but it sure beats MREs. The food is usually warm. Sometimes it's even hot. We often go weeks without fresh vegetables, but we enjoy them when we have them. I'm thankful for Coke. I'm not a coffee consumer so that crimson-colored can of carbonated cola contains the caffeine I crave when I work to the wee hours all week.

I'm thankful for the military postal system. It eventually delivers the dusty, bashed, mangled boxes that contain the vital vittles, the essential sundries and the other simple pleasures of home that folks have sent my way.

I'm thankful for fall. It has been over a month since the mercury was measured in triple digits. I'm thankful for cool evenings. I'm thankful for full moons, bright stars and desert sunsets. I'm thankful that I get to see that big orange orb drop below the horizon every day. The only thing worse than having a bad day is not making it to the end.

I'm thankful for the shipping container that acts as my desert abode. It's modest but it's higher class than the plywood box I called home in Afghanistan. I'm thankful for showers. Standing under a gentle cascade of water with a bar of soap in hand is far superior to baby-wipe style bathing.

I'm thankful for electricity. It powers the window unit air conditioner that keeps me from melting and the computer that makes it possible for me to communicate with you. Sometimes we don't have any of these things but it's nice when we do.

I'm thankful for armored cars. They have saved my life more than once. I'm thankful for ballistic vests. They protect me from flying projectiles when I'm in town. I'm thankful for sandbags. They protect me from flying projectiles when I'm at home. I'm thankful for Mylar. It's a plastic coating on my windows that prevents the glass from shattering into thousands of pieces when flying projectiles break through it. I'm thankful for dumb luck. I suspect it has saved my life more times than I will ever know. I'm thankful I was not in my tin home when the rocket exploded over it and blew a 3" x 5" hole in the roof right over my desk and chair where I would ordinarily have been sitting. (No sandbags or Mylar on the roof—a deficiency we have oft noted.) I'm thankful for Mother Nature's sense of humor. I had not seen rain in six months but it rained that night.

I'm thankful for the soldiers and marines who fight our enemies on the ground and I'm

thankful for the airmen and the sailors who fight them from the sky and sea. I'm thankful there are people who would give their lives so that others can live in freedom.

I'm thankful for you. It is wonderful to have friends and family back home who care for me and pray for me.

I'm thankful for God above. I am here by His design and I will only come home by His grace.

All in all, not bad. Not bad at all.

TRIBUTE TO CAROL SALISBURY

Mr. ALLARD. Mr. President, on this occasion I pay tribute to a dear friend and employee, Carol Salisbury. Carol joined my office in January of 1991, when I was first elected to Congress from the Fourth Congressional District. One of my original staffers, Carol has served my office and the people of Colorado for 14 years, and she has done so with grace and conviction. She will be leaving my office in January 2005.

Carol began her career working out of my Fort Collins congressional office, and later, the Senate offices in Greeley and Loveland. As area director, she managed the office and provided dedicated service on a variety of issues, including housing and healthcare. Carol was instrumental in establishing the Fall River Visitor Center at Rocky Mountain National Park, the acquisition of Cherokee Park by the Forest Service, and many other smaller objects that have greatly benefitted our public lands and will lead to greater enjoyment by the public. She was passionate about historic preservation and worked tirelessly on behalf of many worthwhile interests, including the historic Cumbres & Toltec Scenic Railroad in Southern California. Her presence on Team Allard will be missed and I know the Northern Colorado community will miss her as well. Carol was a hard working and earnest friend and employee.

My wife, Joan, joins me in thanking her for dedication and loyalty. We both wish her and her husband Jack the best in their future endeavors.

TRIBUTE TO MARTI MORGAN

Mr. ALLARD. Mr. President, I express my appreciation and gratitude to Marti Morgan for her dedicated service and contributions to my office and to the people of Colorado. Marti will be leaving my office on January 5, 2005. As the 108th Congress concludes, a career that began during the 102d Congress comes to a successful and resounding conclusion.

Marti began working in my office nearly 13 years ago, in January 1992. Working out of my northern Colorado office, located first in Fort Collins and Greeley and then in Loveland, Marti has been an excellent employee and a true constituent representative. Her work and expertise in the areas of natural resources, water, and endangered species, among others, will be truly missed. Through her tireless work, she has helped me protect and improve na-

tional treasures like the Rocky Mountain National Park. Having served as my academy nominations coordinator, Marti has assisted thousands of Colorado's best and brightest youth in their aspirations to become the future leaders of our military and our nation.

My wife, Joan, joins me in expressing our thanks for Marti's many years of hard work, and in wishing her the best for whatever venture she may pursue in the future.

ADDITIONAL STATEMENTS

NEW JERSEY COMMUNITY DEVELOPMENT CORPORATION

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and to recognize a New Jersey organization celebrating its tenth anniversary, the New Jersey Community Development Corporation, NJCDC. I wish to take a moment now to honor NJCDC for the important work it is doing in the State of New Jersey and the accomplishments it has achieved over the past decade.

The work of the NJCDC has helped make the dreams of New Jersey residents become a reality for over a decade now. The NJCDC provides hope for a rewarding future through urban revitalization efforts, financial support, education initiatives, and the creation of jobs. The work done by NJCDC has directly transformed the lives of many, especially in the city of Paterson, where I was born.

In honor of the accomplishments of this organization, I ask that a proclamation honoring the tenth anniversary of the NJCDC be printed in the RECORD.

The proclamation follows.

Whereas, the New Jersey Community Development Corporation is a non-profit community development and social service agency based in the City of Paterson, New Jersey; and

Whereas, the New Jersey Community Development Corporation and its dedicated staff empowers individuals to transform their lives and offers a variety of programs and services to assist economically disadvantaged individuals, at-risk youth, and people with disabilities; and

Whereas, the New Jersey Community Development Corporation helps create jobs, support affordable housing, generate educational initiatives, and support men, women, and children of the community; and

Whereas, the New Jersey Community Development Corporation has contributed to the revitalization of the City of Paterson and the Great Falls Historic District, helping to ensure a vibrant future for the City and its residents; and

Whereas, now as the New Jersey Community Development Corporation prepares to celebrate its 10th Anniversary, we congratulate the staff and volunteers on this milestone.

Therefore, in presenting this citation to the New Jersey Community Development Corporation, I, Frank R. Lautenberg, United States Senator, State of New Jersey, on behalf of the People of the State of New Jersey hereby congratulate the New Jersey Community Development Corporation on its contributions to the community, the City of Paterson, and the State of New Jersey. •

TRIBUTE TO MRS. MARIE PRINGLE

• Mr. BOND. Mr. President, I rise today to honor Mrs. Marie Pringle who is retiring this month from the Department of Veterans Affairs, VA. Mrs. Pringle's retirement is well deserved after serving more than 30 years for the Federal Government, including over 20 years in the VA's Office of Budget. Mrs. Pringle epitomizes the best of public service in terms of her dedication, commitment, hard work, and professionalism.

Mrs. Pringle began her Federal service in 1972 with the Department of Army as a clerk typist. She then moved on to the Department of Energy in 1978 to work as a budget analyst. After a 2-year period in the private sector, Mrs. Pringle returned to the Federal Government working for the VA's Office of Budget. At the VA, Mrs. Pringle worked diligently in analyzing the budgetary activities of the Department whose budget has grown to some \$68 billion.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, my staff and I have found Mrs. Pringle to be an invaluable resource for reliable and timely data that was critical in helping me make decisions impacting the millions of veterans who depend on the VA. Further, Mrs. Pringle provided my subcommittee with technical expertise that helped us develop our appropriations bills.

Mrs. Pringle's departure is a great loss to the Department and my subcommittee and she will be missed. I commend Mrs. Pringle for her outstanding public service to the American Taxpayer and the millions of our veterans. I wish Mrs. Pringle and her husband Darian all the best. •

HARRISON LIM

• Mrs. BOXER. Mr. President, I take this opportunity to recognize Harrison Lim, the founder and executive director of Charity Cultural Services, who is retiring after 21 years of dedicated service to the community.

Mr. Lim emigrated from China to San Francisco over 30 years ago. Upon his arrival in America, he struggled with the difficulties of learning a new language and assimilating into a new culture. As he worked hard to establish himself in his new country, Mr. Lim noticed that there were other immigrants who faced similar situations. Seeing the struggles of immigrants, Mr. Lim dedicated his life to making sure that new immigrants had resources available to them to ease the transition of immigration.

To achieve this goal, Mr. Lim founded and established Charity Cultural Services Center, CCSC, in 1983. Located in the heart of San Francisco's Chinatown, CCSC aimed to provide essential services to new Asian American immigrants and their families. Today, CCSC successfully assists over 4,000 people

each year by offering a variety of services, from employment-training for adults, apprenticeship programs, and English-as-a-Second-Language classes to school-based academic support services and other activities for youth. Working with local government, businesses, and educational institutions, CCSC's programs result in the ability of new immigrants to improve their quality of life and provide them with a greater chance at equal opportunities. In 1990, seeing a similar need by Asian American immigrants in Silicon Valley, Mr. Lim worked successfully with the Silicon Valley community to establish a Silicon Valley chapter of Charity Cultural Services Center, the Silicon Valley Crosscultural Community Services Center.

In addition to his work at CCSC, Mr. Lim has also been involved with other community-based organizations in San Francisco. He has served as the President of the Chinese Consolidated Benevolent Association and also sits on the Chinatown Economic Development Committee.

Mr. Lim has tirelessly strived to address the issues and meet the needs of new immigrants and their families who find themselves living in two different cultures. Through CCSC, he has enriched the community by helping its residents develop positive identities, build confidence in their capabilities, and become active members of society.

Harrison Lim is an invaluable asset to the Bay Area's Asian American community. I commend him for his dedication, hard work and many achievements, and wish him well in his future endeavors. I am sure that, even in his retirement, he will continue to serve as an advocate for the Bay Area's Asian American immigrants. He is the kind of person who makes my state and our country a better place.●

TRIBUTE TO NORTH AMERICAN BAPTIST MISSION

● Mr. SESSIONS. Mr. President, I wish today to give tribute to the North American Baptist Mission for the great leadership and assistance they provided the citizens of Alabama in their time of need following Hurricane Ivan. Their selfless devotion of time, energy, and skills played an integral role in helping Alabamians recover from such a tragic event.

Much of Alabama suffered as a result of Hurricane Ivan. It was a major hurricane that did tremendous damage to homes and properties, timber, and agriculture throughout the State. I was shocked by the devastation that was left in the wake of the storm. I was, however, encouraged by the resilient nature of the citizens in Alabama during such a difficult time. I remain continually thankful for the thousands of volunteers and, in particular, the North American Baptist Mission, that came to Alabama lending helping hands in our time of need.

Concerned for Alabama, the North American Baptist Mission alerted its

churches to the extreme destruction caused by Hurricane Ivan, and Baptist churches across the Nation responded. Volunteers from 14 different States ventured into the most devastated counties in Alabama: Baldwin, Butler, Conecuh, Covington, Clarke, Escambia, Mobile, and Washington Counties. The Baptist volunteers assisted Alabamians in putting their homes and lives back together. The Baptist groups set up 16 feeding sites that served 559,000 meals in Alabama. Specifically, in Butler County, 45 North Carolina Baptist Men volunteers served 17,586 meals. I had the opportunity and privilege of seeing this particular outreach mission, and I was thoroughly impressed with the volunteers attitudes and selfless acts. In addition to serving meals, clean up crews removed yard debris from 1,750 homes and businesses throughout the eight counties in Alabama, and in some locations the Baptist groups were able to set up portable showers and washer/dryer connections, providing 1,118 people with laundry assistance.

These men and women, working from motor homes and in the heat, reflected the best in selfless service. Many were retired and some have served the Lord for many years, yet they were full of energy and vitality. They served, they encouraged, and they helped. The spirit of Jesus was indeed alive and strong in Greenville.

I realize that there were numerous organizations, charities, churches, and individuals that came to Alabama's aid in our time of need. Additionally, I realize that what I witnessed in Greenville was multiplied all across the State, and I would like to take this opportunity to thank all of the good Samaritans who sacrificed their time, energy, and resources to help Alabamians on their road to recovery. Particularly, I would like to say thank you to the North American Baptist Mission volunteers I met in Greenville for their selfless devotion of time and energy.●

NANCY EARLE

● Mr. LEAHY. Mr. President, I recently learned that Nancy Earle of South Conway, NH, was presented with the New Hampshire Lakes Association John F. Morton Annual Award for Exemplary Service, 2004.

I mention this for two reasons. First, although Nancy is not a Vermonter, she and her husband Rink Earle once lived in Putney, VT where three sons and two granddaughters later attended the Putney School, her husband has a niece who lives in Norwich, VT, and they both have close friends in Vermont. Second, this award honors Nancy for her tireless work to protect New Hampshire's many beautiful lakes, lakes which not only citizens of New Hampshire, but Vermonters and people from around the country, as well as from other countries, enjoy particularly in the summer months.

Protecting the environment is a global challenge, but much if not most of

the work is done at the local level. New Hampshire's lakes, like Vermont's and every State's, are threatened by rapid development along their shores, by pollutants caused from marine craft and by over-fishing. It is concerned individuals like Nancy Earle, motivated by nothing more than their sense of responsibility to protect these fragile aquatic ecosystems for the use and enjoyment of future generations to whom we owe a debt of gratitude.

I want to congratulate Nancy for this award, and to commend the New Hampshire Lakes Association for paying tribute to such a fine and deserving person. Nancy was the president of the Walker's Pond Association in Conway for over 30 years. She will be 86 years old this December 24, and despite a recent bout with cancer I suspect that, health permitting, Nancy Earle will continue to do what she can to protect New Hampshire's lakes.●

COMMENDING MAJOR GENERAL JOHN E. "GENE" PRENDERGAST ON HIS RETIREMENT

● Mr. BURNS. Mr. President, I rise today to commend a great man and his long career of selfless service to our country. On August 31, Major General John E. "Gene" Prendergast retired after serving 12 years as Montana's Adjutant General.

His 46-year career in the Montana National Guard began 1958, when he joined the Montana Air National Guard. I had the pleasure of getting to know Gene during his time as Montana's Adjutant General. His leadership, vision, and dedication brought a great deal to the dedicated and professional men and women of the Montana National Guard.

Over the years, he worked to improve the Guard's infrastructure in the State and saw the 1940s vintage buildings at Fort Harrison converted into some of the most state-of-the-art facilities in the country. Top of the line military training sites exist today at Limestone Hills. In addition, new and improved infrastructure exists at the Air National Guard Base at Gore Hill in Great Falls and the Army Aviation Support Facility at the Helena Airport.

Our warfighters need the best equipment and infrastructure possible to do their jobs. Gene understood this and I enjoyed working with him to make some of these improvements a reality. As a result, Montana's Guard is known as one of the best in the Nation.

His work did not just stop there. During General Prendergast's time as Adjutant General, Montana's involvement in the Partnership for Peace Program with the country of Kyrgyzstan became a model for the rest of the United States. Also, the Montana National Guard's Youth Challenge Program has successfully transitioned hundreds of "at risk" youth to active, involved members of society.

While he had a talented, dedicated, selfless group behind him, General

Prendergast led in an inspiring and intelligent manner which will not be forgotten. I enjoyed my time working with General Prendergast—a man I am proud to call my friend. His presence will be missed, but a new chapter of his life lies ahead, and I wish him well as that chapter unfolds.●

CONGRATULATING TIM TURNER

● Mr. GRASSLEY. Mr. President, I rise today to bring to the attention of my colleagues a fine Iowan and American. Tim Turner, formerly of Iowa, has been selected for his photographic skills to represent the United States in the First International Culinary Competition. This competition brings together professional culinary photographers from around the globe to bring to life the elements of wine and food in unique settings. The artists will be judged by professional chefs, members of the press, and the general public.

Mr. Turner began his interest in photography while at Heelen High School in Sioux City, IA, and pursued it further at the University of Iowa and the Brooks Institute of Photography. By combining his passion for cuisine with his keen eye for photography he has received major recognition for his work. His photographs have appeared in over 40 cookbooks and he has been nominated three times for the prestigious Beard Award and received a Beard Award for best food photography in a cookbook.

Commenting about his photograph selected for the competition, Turner stated:

The human touch is vital to the authenticity of the food we eat, the wines we drink and the heirlooms we treasure. These are the connections to the heart and soul of mankind. This photograph, uses a patchwork (quilt) as a metaphor for the connection between food and wine, all are united by tradition, in methods, techniques, knowledge and cultural influences, passed through the generations. The patchwork (quilt), sewn for the occasion, was created from scraps of old fabric, clothes and my photographs reproduced on fabric. Set in a timeless space, the chair invites the viewer to explore and enjoy.

The competition is being organized by the Beaujolais winemaking region of France and competitors from 12 countries including Denmark, Sweden, Japan, Germany, Belgium, Switzerland, Italy, Norway, Finland, Great Britain, and France are displaying their artistic photographs.

I want to encourage my colleagues to log on to the website at <http://lauriers.beaujolais.com/en> to learn more about the competition and to vote for the United States contestant Tim Turner. The winner will be decided on February 1, 2005. I ask that you please join me in supporting Mr. Turner.●

CECELIA FIRE THUNDER

● Mr. JOHNSON. Mr. President, I rise today to publicly recognize Cecelia Fire Thunder, the newly elected presi-

dent of the Oglala Sioux Tribe. Ms. Fire Thunder is the first woman ever to hold this distinguished position.

Located on the Pine Ridge Indian Reservation in southwest South Dakota and comprised of about 16,000 residents, the Oglala Sioux Tribe elected Ms. Fire Thunder over Russell Means by a margin of 648 votes. Traditionally, the Oglala Sioux Tribe has only been led by male presidents or leaders. Those leaders include historic figures such as Crazy Horse and Red Cloud.

Ms. Fire Thunder's election is truly a momentous occasion, but this accomplishment is not the first example of her selfless dedication to serving her community. Ms. Fire Thunder has devoted much of her energy to enriching the lives of those around her, and now she will take on an even larger role in her tribe. Her altruistic vision for her people is unmatched.

Ms. Fire Thunder was born on the Pine Ridge Reservation but moved to California as a young child. Upon her return to the reservation 24 years later, she attended nursing school and became active in an effort to provide free health care to people unable to afford it themselves. Fire Thunder's background includes her work at a hospital, for the tribe itself, for state government, and as a private consultant. Most recently, she served as the education specialist for Cangleska, Inc., a domestic abuse education and prevention program on the reservation.

President-elect Fire Thunder was inaugurated today and I have faith that her hard work will be a catalyst for positive changes in her community. I congratulate Cecelia Fire Thunder on her election as the next president of the Oglala Sioux Tribe in southwest South Dakota. Ms. Fire Thunder is a shining example of perseverance and strength for her people, and for all South Dakota citizens. I have known Cecelia for some time and I sincerely look forward to working with her for many years to come.●

HONORING THE PUBLIC SERVICE OF STEPHEN MYERS

● Mr. JOHNSON. Mr. President, I rise today to publicly thank Stephen R. Myers for his 32 years as chief investment officer of the South Dakota Investment Council. Mr. Myers has served with distinction as the state investment officer for the State of South Dakota since September 11, 1972. He will retire in January to spend more time with his wife, Mary Lynn.

The South Dakota Legislature created the investment council in 1971 to manage seven funds, including assets from the State's retirement system and the proceeds from tobacco lawsuit damages. Mr. Myers invested \$65 million during the first year of the council's existence and had immediate success. In more than three decades the fund has returned an average of 11.2 percent annually, while the capital markets benchmark is only a 10.5-per-

cent annual return. The assets have grown to over \$7.2 billion, with returns putting the funds in the top 1 percent of the Nation's pension funds. The returns from the SDIC's investments allow over 65,000 South Dakotans to retire with financial dignity.

Mr. Myers is a man of passion and integrity who takes his responsibility to retiring South Dakotans very seriously. As he himself has stated, "When you're managing other people's money, it simply won't do to have 99 percent integrity." Mr. Myers is also humble and quick to give credit to his co-workers and members of the South Dakota State Government for their roles in the SDIC's success.

In addition to his role as chief investment officer of the South Dakota Investment Council, Stephen is a co-founder and past president of the South Dakota Investment Society and co-founder and executive committee member of the National Association of State Investment Officers. He also received the National Association of State Investment Officers' Stoddard Award for his significant contribution to the State's public pensions funds.

After growing up in Pierre, Mr. Myers attended the University of South Dakota, where he met his future bride. His dedication to and love of the State of South Dakota is evident and has led to investments that have positively impacted every South Dakotan, either directly or indirectly. The State will miss his leadership, and it is with honor that I share his accomplishments with my colleagues.●

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 President Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 29, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act 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.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control act of 1998, and for other purposes.

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 29, 2004.

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5394. An act to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The message also announced that the House has passed the following bills, without amendment:

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2856. An act to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The message further announced that the House agree to the amendments of the Senate to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The message also announced that the House agree to the amendment of the Senate to the resolution (H. Con. Res. 528) directing the clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference; Mr. Hoekstra, Mr. Boehlert, Mr. Gibbons, Mr. LaHood, Mr. Cunningham, Mr. Burr, Mr. Everett, Mr. Gallegly, Mr. Collins, Mrs. Jo Ann Davis of Virginia, Mr. Thornberry, Ms. Harman, Mr. Hastings of Florida, Mr. Reyes, Mr. Boswell, Mr. Peterson of Minnesota, Mr. Cramer, Ms. Eshoo, Mr. Holt, and Mr. Ruppersberger.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. Hunter, Mr. Weldon of Pennsylvania, and Mr. Skelton.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 29, 2004, she had presented to the President of the United States the following enrolled bills:

S. 150. An act to make permanent the moratorium on taxes on Internet access and

multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act 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.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

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-10067. A communication from the Secretary of State, transmitting, pursuant to law, a report prepared by the Department of State for the August 26, 2004 through October 25, 2004 reporting period concerning matters relating to post-liberation Iraq under section 7 of the Iraq Liberation Act of 1998 (P.L. 105-338); to the Committee on Foreign Relations.

EC-10068. A message from the President of the United States, transmitting, pursuant to law, the report of the modification of the national emergency with respect to the development fund for Iraq and certain property in which Iraq has an interest and protecting the central bank of Iraq that was declared in Executive Order 13303 of May 22, 2003, 13315 of August 28, 2003, and 13350 of July 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-10069. A communication from the President of the United States, transmitting, the report of an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005; to the Committee on Governmental Affairs.

EC-10070. A message from the President of the United States, transmitting, pursuant to law, a report concerning the standards for supervision of physical therapist assistants (PTAs) and the effects of eliminating the "Personal" PTA supervision requirement on the financial caps for medicare therapy services; to the Committee on Finance.

EC-10071. A message from the President of the United States, transmitting, pursuant to law, three documents in response to requests for reports to Congress on outpatient therapy services: the first document is the Center for Medicare and Medicaid Services report on two studies required by Congress; the second document is the report entitled "Study and Report on Outpatient Therapy

Utilization"; and the third document is entitled "Part B Therapy Services under Medicare in 1998-2000"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs for the One Hundred Seventh Congress" (Rept. No. 108-421).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes (Rept. No. 108-422).

Report to accompany S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services (Rept. No. 108-423).

Report to accompany S. 2145, a bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes (Rept. No. 108-424).

Report to accompany S. 2281, a bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes (Rept. No. 108-425).

Report to accompany S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service (Rept. No. 108-426).

Report to accompany S. 2644, a bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes (Rept. No. 108-427).

Report to accompany S. 2820, a bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes (Rept. No. 108-428).

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 Mr. SMITH (for himself and Mr. CONRAD):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE):

S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 3032. A bill to provide for special trial judges of the United States Court of Federal Claims, make technical and conforming amendments relating to the transition of special masters to special trial judges, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. Res. 483. A resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China; considered and agreed to.

By Mr. FRIST:

S. Res. 484. A resolution to honor and thank Robert Ray Howe; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN):

S. Con. Res. 152. A concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 282

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 282, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1762

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1762, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1771

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1771, a bill to amend title XIX

of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

S. 1956

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1956, a bill to provide assistance to States and nongovernmental entities to initiate public awareness and outreach campaigns to reduce teenage pregnancies.

S. 2038

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2282

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2282, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2647

At the request of Mr. HOLLINGS, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2722

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

S. 3002

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3002, a bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities.

S. 3026

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3026, a bill to support the Boy Scouts of America and the Girl Scouts of the United States of America.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. CONRAD):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. SMITH. Mr. President, with over 77 million baby boomers beginning to retire in 2008, a serious retirement challenge is looming in our country. Moreover, with Americans living longer and a growing numbers of retirees facing the challenge of managing their own retirement savings, we need to provide them with better retirement options. In response, I rise today to offer legislation aimed at assisting people to maintain their financial independence and their standard of living throughout their retirement by making it easier for them to secure a steady income for life.

In recent years, the focus of the "retirement security" debate in Congress has almost entirely been on the need to accumulate a nest egg to fund retirement. Congress is doing much to encourage personal saving and employer-provided retirement plans. I am proud of both our successes and our continuing efforts in these areas. Encouraging greater savings is an important step; however, it is not enough.

Unfortunately, there has been little attention paid to the retirement income or "payout" phase of the retirement security equation. The risk of outliving one's savings is one of the biggest problems facing retirees. I have

heard it said that Americans perceive the retirement savings "finish line" to be the point of retirement. But retirement is just the beginning of a very different kind of race, one of unknown duration. If Americans are going to fully enjoy their retirement years, we need to ensure that as many Americans as possible will have a stream of income they cannot outlive. We have some control over when we retire. However, we have very little control over how long we will live.

For most Americans, a "secure retirement" means maintaining their standard of living through retirement and the means to deal with life's challenges from the first day of retirement to the very last. For the majority of Americans, that requires a steady stream of income that, combined with Social Security or other retirement income, covers basic living expenses— from housing expenses to medical bills, taxes to transportation, food to clothing. Yet, Americans today are facing a serious and growing challenge to retirement security.

At the same time Americans are living longer, the future of private and public retirement programs, as well as financial markets, is increasingly uncertain. Fewer Americans are covered by traditional pension plans, and Social Security currently replaces on average only about 42 percent of earnings. This means it's increasingly up to each individual to manage their retirement savings to last their lifetime. And exactly how long will that period in retirement be? It depends. Of course none of us know how long we will live; research shows most Americans vastly underestimate their longevity.

According to the Society of Actuaries, a male age 65 has a 50 percent chance of living beyond age 85 and a 25 percent chance of living beyond age 92. Indeed, the biggest risk we face in retirement is the longevity risk—that is, living longer than our retirement savings lasts. In order to meet this challenge, Senator CONRAD and I are introducing legislation to encourage the use of retirement vehicles that pay a guaranteed lifetime income.

Under the Retirement Security for Life Act that Senator CONRAD and I are introducing today, a tax incentive would be enacted that encourages retirees to provide themselves with a guaranteed lifetime income that they can't outlive. Specifically, the proposal would exclude from Federal taxes one-half of the income payments from an annuity purchased with after tax dollars (a so-called non-qualified annuity). Importantly, we have proposed a cap on the exclusion so that no more than \$20,000 could be excluded in a year. For a typical American in the 25 percent tax bracket, this would provide an annual maximum tax savings of up to \$5,000. I believed that this modest tax incentive will enable some retirees to consider annuitizing a portion of their nest egg so that they have a guaranteed lifetime of income.

This legislation has a wide range of support from organizations representing women, minorities, farmers and small businesses. Many in these groups do not have access to traditional employer provided pension. As we tackle the challenges of retirement policy, we need to ensure that all Americans have adequate financial security to meet their basic needs during retirement. Personal savings and responsibility are the keys to a balanced national retirement security policy. Please join me in supporting our proposal as a crucial step in providing a secure retirement for all Americans. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 3029

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 "Retirement Security for Life Act of 2004".

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.—Section 72(b) of the Internal Revenue Code of 1986 (relating to exclusion ratio) is amended by adding at the end the following new paragraph:

"(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

"(A) IN GENERAL.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed \$20,000.

"(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the \$20,000 amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$500, such amount shall be rounded to the next lower multiple of \$500.

"(C) APPLICATION OF PARAGRAPH.—Subparagraph (A) shall not apply to—

"(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

"(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

"(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

"(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

"(iii) any annuity contract that is a qualified funding asset (as defined in section

130(d)), but without regard to whether there is a qualified assignment.

“(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.”

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) LIFETIME ANNUITY PAYMENT.—

“(A) IN GENERAL.—For purposes of subsection (b)(5), the term ‘lifetime annuity payment’ means any amount received as an annuity under any portion of an annuity contract, but only if—

“(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

“(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

“(I) the life of the annuitant,

“(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

“(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

“(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

“(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

“(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

“(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date, or

“(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year.

“(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (w), the term ‘annuity contract’ means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

“(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term ‘minimum period of payments’ means a guaranteed term of payments that does not exceed the greater of 10 years or—

“(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

“(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary

under paragraph (3). For purposes of subsection (w)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

“(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term ‘minimum amount that must be paid in any event’ means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.”

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (w) as subsection (x) and by inserting after subsection (v) the following new subsection:

“(w) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

“(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5) (relating to lifetime annuity payments), and—

“(A) the series of payments under such contract is subsequently modified so any future payments are not lifetime annuity payments,

“(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

“(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

“(i) due to an event described in subsection (c)(5)(A)(iii), or

“(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)),

then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

“(2) RECAPTURE AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the amount that (but for subsection (b)(5)) would have been includible in the taxpayer’s gross income if the modification or reduction described in paragraph (1) had been in effect at all times, plus interest for the deferral period at the underpayment rate established by section 6621.

“(B) DEFERRAL PERIOD.—For purposes of this subsection, the term ‘deferral period’ means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

“(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

“(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

“(B) becomes a chronically ill individual within the meaning of section 7702B(c)(2), or

“(C) encounters hardship.”

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

“(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

“(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

“(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

“(ii) the amount in effect under section 72(b)(5).

“(B) RULES OF SECTION 72(B)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(w) shall apply, substituting the term ‘beneficiary of the life insurance contract’ for the term ‘annuitant’ wherever it appears, and substituting the term ‘life insurance contract’ for the term ‘annuity contract’ wherever it appears.”

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting “or paragraph (4)” after “to the extent not excluded by the preceding sentence”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section 72(c)(5)(A) in the case of a life insurance contract, any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

Mr. CONRAD. Mr. President, I am pleased to join my friend and colleague, Senator GORDON SMITH from Oregon, in introducing legislation that can help seniors enjoy a more secure retirement. The good news is that Americans are living longer but it also means that people have to plan for a longer period of retirement. A successful retirement income plan is a challenge even for the savvy investor. How much more difficult is this task for the millions of Americans with limited investment experience?

For years Congress has encouraged people to save for their retirement. Through the tax code, we encourage asset building through home ownership. We provide significant tax incentives for employer-based pension plans and for dedicated retirement savings programs by individuals, such as IRAs and 401(k) plans.

One of the biggest threats to retirement income security for baby boomers is their own longevity. It will not be easy to manage their accumulated assets so that they will last a lifetime. Unprecedented numbers of Americans are now living into their 90s and even past 100. Today, actuaries tell us that

about one in six 65-year-old men and one out of three 65-year-old women can expect to live into their 90s.

Consequently, people are going to spend more time in retirement than previous generations. Over the course of the 20th century, the percentage of men in the workforce aged 65 years or older dropped from about 66 percent to less than 20 percent. Now our society confronts the impending retirement of 77 million baby boomers. Many of them will not have the guaranteed monthly retirement checks that many of their parents enjoyed as a result of employer-based pension plans. Traditional defined-benefit pension plans have given way to defined contribution plans, which have shifted the retirement income security risk from the employer to the individual.

Of course, there are still many Americans who have no access at all to employer-provided pension plans. Some have never been in the traditional workforce; others work in seasonal jobs or part time. In my state of North Dakota, as well as in rural and farming communities across America, there is an acute need for retirement vehicles that will provide a secure lifetime payout. Others who could face difficulty in securing retirement income are widowed individuals—both men and women—who suddenly find themselves having to make a life insurance benefit or proceeds from the sale of a business or family home last a lifetime.

The proposal we are introducing today will provide a valuable tool for helping people avoid the risk of outliving their assets. Specifically, we are proposing a tax incentive to encourage Americans to available a portion of their assets annuitize for retirement. If they annuitize—in other words, elect to receive their money from an annuity in a series of payments for the rest of their lives, no matter how long that may be—they would be able to exclude from income a portion of the annuity benefit that represents the accumulation in the annuity above and beyond the original investment. The tax benefit is capped to ensure that tax sheltering activity is not encouraged and that the incentive will be effective for people who would benefit most from securing a lifetime income stream.

This proposal we offer today would apply only to life-contingent, non-qualified annuities. A life-contingent annuity that is subsequently modified to a fixed-term payout would be subject to a recapture tax.

Baby boomers represent an unprecedented challenge to our retirement security policies. They should have a wide range of options available for responsible retirement planning. Our proposal focuses on non-qualified annuities because it is important to have this option considered as part of the larger retirement income security debate that Congress should have before baby boomers begin retiring in large numbers. Options for making qualified plans more secure should be part of that debate as well.

I hope that the 109th Congress will tackle this matter promptly because time is short. That first wave of baby boomer retirees begins in 2008—just over 36 months from today.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, today I rise to introduce a bill to create a new government reward hotline designed to solicit tips from Spanish-speaking immigrants and other groups that are more likely to be the silent victims of consumer fraud.

The hotline will allow anyone with knowledge of a fraud scheme involving deceptive advertising to get a reward for reporting it directly to the experts who work at the Federal Trade Commission.

This legislation addresses the unscrupulous businesses that target certain communities because they know the victims are less likely to report crimes. It will further the efforts of the Federal Trade Commission to combat this problem by creating an Office of Consumer Advocacy and Outreach within the Federal Trade Commission which will administer programs and services that make it easier for victims in these communities to hold wrongdoers accountable.

A Federal Trade Commission survey from earlier this year revealed that nearly 25 million adults in the United States, or 11.2 percent of the adult population, were victims of fraud, and that certain communities were more likely to fall prey to fraudulent schemes. For example, the survey found that Hispanics are twice as likely to be victims of fraud as non-Hispanic whites. A study conducted by the National Institute of Justice concluded that immigrant victims report crimes less frequently than other victims. The factors cited as contributing to this underreporting included language barriers, cultural differences, and a limited understanding of the United States Justice system.

During this past year the Federal Trade Commission has levied an increasing number of complaints against deceptive Spanish-language advertisements, including fraudulent driving permits and junk computers. Two of these complaints were filed against businesses in South Florida that targeted Spanish speakers with advertisements for “scientifically unfeasible” weight-loss pills.

The Office of Consumer Advocacy and Outreach created by this bill will provide information to targeted consumers in these communities on how to protect themselves against fraudulent schemes and where to seek redress if they become a victim. The Office will

work with law enforcement to track and investigate fraud schemes that target immigrants, the elderly, minorities and other communities.

One of the ways the Office will work to increase reporting of fraud by Spanish-speakers, for example, will be to publicize the reward program through a Spanish-language public service advertising campaign produced by the Federal Trade Commission that warns against consumer fraud and provides the number for this newly created anonymous hotline.

Additionally, the Office will work with law enforcement to increase their level of participation in the Consumer Sentinel database system. This database, currently in existence, collects information from local, State and Federal agencies on consumer complaints to assist in the tracking and investigating of consumer fraud issues.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE): S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, last month we celebrated National Adoption Month. In 2003, Americans opened their hearts and homes to over 20,000 orphaned children born overseas. In order to adopt these children the families had to submit extensive paperwork and work with three federal agencies in order to be approved to adopt a foreign born child and to be able to bring that child home to America. The Intercountry Adoption Reform Act that I am introducing today along with Senators LANDRIEU, CRAIG, and INHOFE streamlines the process families go through to adopt a child from overseas by eliminating unnecessary paperwork and consolidating the federal functions into one office.

Last November, I introduced the first version of the Intercountry Adoption Reform Act, known simply as the ICARE Act, along with Senators LANDRIEU, CRAIG, INHOFE, BINGAMAN, and SMITH. Over the last year we have received many comments about the bill from groups representing adoption professionals as well as comments from the administration. In response to these comments, we have revised our original bill to incorporate many of the suggestions provided to us and to address some of the concerns expressed.

Two major changes have been made. First, we have added enforcement provisions. We revised the bill to make clear that the new Office of Intercountry Adoption (OIA) will have the ability to protect children, birth families and adoptive families from fraud and abuse through enforcement provisions. It also clarifies that the OIA can work with the Department of Homeland Security and the Department of Justice to enforce the provisions of the Act. Second, we added provisions to provide a smooth transition from the

current adoption process to the new and improved process. These provisions ensure that all adoption cases filed prior to the opening of the OIA would be processed under the current rules. Any cases filed after the opening of the OIA would be processed under the provisions of ICARE.

There were many other technical and minor changes made to clarify and perfect the original language. I believe that these changes have significantly improved the bill and address many, if not all of the concerns that were raised.

Since 1998, I have been working to improve the foreign adoption process. It was in that year that I introduced the first version of the Child Citizenship Act which became law in 2000. This Act provides for automatic U.S. citizenship for foreign born children adopted by American citizens. When that bill took effect on February 27, 2001, over 150,000 foreign adopted children became U.S. citizens automatically.

In the fall of 2001, and the first half of 2002, I helped work on the crisis that ensued when the INS suspended American adoptions from Cambodia. Four hundred and fifty families who were in the process of adopting from Cambodia were left stranded, unable to bring their adopted children home to America. Although there was evidence that fraudulent players were involved in adoptions in Cambodia and that there is a need for a fraud free, transparent adoption process, the suspension impacted many American families and the Cambodian orphans they hoped to adopt. The children and families stuck in the process when the suspension was announced needed to be able to complete the adoption process they had started prior to the suspension. I worked with the Administration to develop a plan to process those adoptions where it was determined that no fraud was involved. I worked closely with Senator LANDRIEU and other members of Congress on both the House and Senate side to ensure that these Cambodian orphans could come home to their American families.

I have also been working since 2002, to develop the ICARE Act. ICARE has two main goals. First, and most importantly, this bill acknowledges and affirms that foreign adopted children of American citizens are to be treated in all respects the same as children born abroad to an American citizen. Under existing law, foreign adopted children are treated as immigrants to the United States. They have to apply for, and be granted immigrant visas to enter the United States. Once they enter the United States, citizenship is acquired automatically. Had these children been born abroad to American citizens, they would have traveled back to the United States with a U.S. passport and entered as citizens. This bill provides for equal treatment for foreign adopted children.

The second goal is to consolidate the existing functions of the federal gov-

ernment relating to foreign adoption into one centralized office. The office would be located within the Department of State. Currently, these functions are performed by offices within the Department of Homeland Security and the Department of State. Consolidation of these functions into one office will result in focused attention on the needs of families seeking to adopt overseas and on the children they are hoping to make part of their families.

Although I have not been able to see this bill through to completion during my tenure in the Senate, it is my hope and desire that my colleagues who have cosponsored this bill with me will continue to press forward until the goals of this bill are accomplished.

I introduce this revised version of the ICARE Act and hope that it will be reintroduced and acted upon in the next Congress. Passage of this bill will significantly improve the foreign adoption process so that more children worldwide can find loving, permanent homes. It is my prayer that someday, adoption will not be needed. That all children will be born into stable, loving homes to parents who want them and are able to care for them. However, until that day comes, the foreign adoption process can be improved and should be improved. Foreign adopted children of American citizens should be treated as children of U.S. citizens, not as immigrants, and should be accorded all the same rights as biological children of U.S. citizens. To that end, I introduce this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3031

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 "Inter-country Adoption Reform Act of 2004" or the "ICARE Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2001, they adopted 19,237 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interests and prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that intercountry adoptions take place in the best interests of the child;

(2) to ensure that foreign born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process by making it more citizen friendly and focused on the protection of the child.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 204(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 101(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section 205; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206.

(6) OFFICE.—The term “Office” means the Office of Intercountry Adoptions established under section 101(a).

(7) READILY APPROVABLE.—A petition or certification is considered “readily approvable” if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

TITLE I—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

Subtitle A—In General

SEC. 101. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there is to be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions who shall be appointed pursuant to subsection (b).

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions, taking care to ensure that the individual who serves as Ambassador is free from any conflicts of interest that might inhibit such individual’s ability to serve as Ambassador.

(2) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs. The Ambassador at Large has no independent regulatory authority.

(3) DUTIES OF THE AMBASSADOR AT LARGE.—In carrying out the functions of the Office, the Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that intercountry adoptions take place in the best interests of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—On September 1 of each year, the Secretary of State, with the assistance of the Ambassador at Large, shall prepare and transmit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of United States citizens to adopt foreign born children.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born abroad to determine their eligibility as an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers housed in a centralized office located in Washington, D.C. Within the Washington, D.C. office, there shall be 7 divisions corresponding to the 7 functions of the Office. All 7 divisions and their respective directors shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

- (A) Northwest.
- (B) Northeast.
- (C) Southwest.
- (D) Southeast.
- (E) Midwest.
- (F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign born children as adoptable shall be divided by world regions which correspond to those currently used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) USE OF EXISTING SYSTEMS.—Whenever possible, the Office shall utilize systems currently in place that ensure protections against child trafficking.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 102. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting “301, 302,” after “205.”

SEC. 103. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

Subtitle B—Transition Provisions

SEC. 111. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service (or any officer, employee, or component thereof), of the Department of Homeland Security (or any officer, employee, or component thereof) immediately prior to the effective date of this title, are transferred to the Office on the effective date of this title for exercise by the Ambassador at Large in accordance with applicable laws and title II of this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign born child prior to the date of enactment of this title, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 112. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Ambassador at Large for appropriate allocation in accordance with section 115, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Department of Homeland Security in connection with the functions transferred pursuant to this title.

SEC. 113. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 114. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits,

grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 111 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this title shall apply to the exercise of such function by the head of the office, and other officers of the office,

to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 121. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—REFORM OF UNITED STATES LAWS GOVERNING INTERCOUNTRY ADOPTIONS

SEC. 201. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AMENDMENTS OF AUTOMATIC CITIZENSHIP PROVISIONS.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by amending the section heading to read as follows: “CHILDREN BORN OUTSIDE THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED”; and

(2) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

“(1) Upon the date the adoption becomes full and final, at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years. Any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person—

“(A) honorably serving with the Armed Forces of the United States; or

“(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288); may be included in order to satisfy the physical presence requirement of this paragraph.

“(2) The child is an adoptable child described in section 101(c)(3).

“(3) The child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States.

“(4) For purposes of this subsection, the term ‘full and final adoption’ means an adoption—

“(A) that is completed under the laws of the child’s country of residence or the State law of the parent’s residence;

“(B) under which a person is granted full and legal custody of the adopted child;

“(C) that has the force and effect of severing the child’s legal ties to the child’s biological parents;

“(D) under which the adoptive parents meet the requirements of section 205 of the Intercountry Adoption Reform Act of 2004; and

“(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206 of the Intercountry Adoption Reform Act of 2004.”

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 1950.

SEC. 202. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary of State shall issue a

United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by section 201 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4)(A) The Secretary of State shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(B) The Secretary of State shall not require an adopted child described in paragraph (1) to undergo a medical exam for the purpose of excluding the child's immigration to the United States.

(5) The Secretary of State shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before they are matched with child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee for service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 203. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking “or” at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting “; or”; and

(3) by adding at the end the following:

“(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt.”.

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

“(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

“(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary extends such period for the period necessary to complete the adoption.”.

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking “10 YEARS” and inserting “18 YEARS”; and

(2) in clause (i), by striking “10 years” and inserting “18 years”.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 204. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

“(3) The term ‘adoptable child’ means an unmarried person under the age of 18—

“(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

“(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

“(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

“(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

“(ii) who, as determined by the competent authority of the child's residence—

“(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

“(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

“(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

“(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

“(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

“(E) with respect to whom the Secretary of State, in consultation with the Secretary of

Homeland Security, is satisfied that the person is not a security risk; and

“(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.”.

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting “and an adoptable child as defined in section 101(c)(3)” before “unless a valid home-study”.

SEC. 205. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 3 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 206. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act—

(1) the Office shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the description of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Office shall make a final determination on whether the certification and the documentary support are sufficient

to meet the requirements of this section or whether additional investigation or information is required.

(b) **PROCESS FOR DETERMINATION.**—

(1) **IN GENERAL.**—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) **NOTICE OF INTENT.**—If the Office finds that the certification submitted by the competent authority of the child's country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) **PETITIONERS RIGHT TO RESPOND.**—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) **DECISION.**—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) **RIGHT TO AN APPEAL.**—Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

TITLE III—FUNDING

SEC. 301. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

- (1) the hiring of staff for the Office;
- (2) investigations conducted by the Office; and
- (3) travel and other expenses necessary to carry out this Act.

TITLE IV—ENFORCEMENT

SEC. 401. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation if such person—

- (1) violates a provision of this Act or an amendment made by this Act;
- (2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) **CIVIL ENFORCEMENT.**—

(1) **AUTHORITY OF ATTORNEY GENERAL.**—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) **FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.**—In imposing penalties the court shall consider the gravity of the violation,

the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) **CRIMINAL PENALTIES.**—Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BROWNBACK (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated

requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

SENATE RESOLUTION 484—TO HONOR AND THANK ROBERT RAY HOWE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family

for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

SENATE CONCURRENT RESOLUTION 152—EXPRESSING THE SENSE OF THE CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 152

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas Public Law 92-249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, recognizes that Boy Scout Jamborees may be held on military installations and authorizes the Department of Defense to loan certain equipment and to provide transportation from the United States or military commands overseas, and return, at no expense to the United States Government, and to provide other personnel services and logistical support to the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That it is the sense of the Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in

particular the periodic national and world Boy Scout Jamborees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, supra.

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, An act 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, and for other purposes.

TEXT OF AMENDMENTS

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Bahá'í community and calling for the emancipation of Iranian Bahá'ís, as follows:

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

“(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;”.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

Insert after the fourth whereas clause the following:

“Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;”.

Strike the tenth whereas clause that begins “Whereas as of June 2003” and insert the following:

“Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;”.

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist cer-

tain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS.

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2005 through 2008, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2004.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2004, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding

source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting “AND YOSEMITE NATIONAL PARK” after “ZION NATIONAL PARK”;

(2) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “for transportation systems or” after “appropriated funds”; and

(3) in the second sentence by striking “facilities” and inserting “systems or facilities”.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking “service contract” and inserting “service contract, cooperative agreement, or other contractual arrangement”.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079E, and dated March 2004.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92-589 (16 U.S.C. 460bb-4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

“(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.”; and

(2) in subsection (g), by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate on December 31, 2014”.

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102-248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2013”.

TITLE III—OJITO WILDERNESS

SEC. 301. SHORT TITLE.

This title may be cited as the “Ojito Wilderness Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) PUEBLO.—The term “Pueblo” means the Pueblo of Zia.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of New Mexico.

(4) MAP.—The term “map” means the map entitled “Ojito Wilderness Act” and dated October 1, 2004.

(5) WILDERNESS.—The term “Wilderness” means the Ojito Wilderness designated under section 303(a).

SEC. 303. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the “Ojito Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the Wilderness and shall be managed in accordance with this title and other laws applicable to the Wilderness:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the Wilderness.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as

“Lands to be Added” shall become part of the Wilderness if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as “Lands to be Released” have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as Wilderness by this title is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this title, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this title—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this title;

(B) shall affect any water rights in the State existing on the date of the enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) NEW MEXICO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this title.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term “water resource facility”—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in

this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this title.

(j) WITHDRAWAL.—Subject to valid existing rights, the Wilderness, the lands to be added under subsection (e), and lands identified on the map as the “BLM Lands Authorized to be Acquired by the Pueblo of Zia” are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the Wilderness.

SEC. 304. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as “BLM Lands Authorized to be Acquired by the Pueblo of Zia” shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo’s Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary; Provided that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (f)—

(A) IN GENERAL.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way, or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable requests for rights-of-way for utilities and pipelines over land acquired under subsection (a) that is designated as the Rights-of-Way corridor #1 as established in the Rio Puerco Resource Management Plan in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of the enactment of this Act over land authorized to be conveyed by this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

TITLE IV—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 401. SHORT TITLE.

This title may be cited as the “Wind Cave National Park Boundary Revision Act of 2004”.

SEC. 402. DEFINITIONS.

In this title:

(1) MAP.—The term “map” means the map entitled “Wind Cave National Park Boundary Revision”, numbered 108/80,030, and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National Park in the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of South Dakota.

SEC. 403. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 403(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

SEC. 405. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 403(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 403(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 403(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE V—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004”.

SEC. 502. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under

paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title \$750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE VI—HOLLOMAN AIR FORCE BASE LAND EXCHANGE

SEC. 601. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE OF PUBLIC LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico (in this section referred to as the “Rabons”), all right, title, and interest of the United States in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres, as depicted on the map entitled “Alamogordo Rabon Land Exchange” and dated September 24, 2004, and more specifically described as follows:

(1) SE1/4 of section 6, township 17 south, range 10 east, New Mexico principal meridian.

(2) N1/2N1/2 of section 7, township 17 south, range 10 east, New Mexico principal meridian.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Rabons shall convey to the United States all right, title, and interest held by the Rabons in and to three parcels of land depicted on the map referred to in subsection (a), which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation. The Secretary shall assume jurisdiction over the land acquired under this subsection. The three parcels are more specifically described as follows:

(1) Lot 4 in the S1/2 of section 30, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 17.6 acres.

(2) E1/2SW1/4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 80 acres.

(3) Lots 1, 2, 3, and 4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 143 acres.

(c) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands.

(d) COMPLIANCE WITH EXISTING LAW.—(1) The Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). Notwithstanding subsection (b) of such section, if necessary, a cash equalization payment may be made in excess of 25 percent of the appraised value the public land to be conveyed under subsection (a).

(2) The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE VII—COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SEC. 701. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 19(b) of Public Law 99-396 (48 U.S.C. 1469a-1) is amended by adding at the end the following: “Amounts to be covered over pursuant to section 703(b) of the Covenant to establish the Commonwealth of the Northern Mariana Islands shall include the proceeds of all taxes, fees, and other collections, including on estates and gifts, derived from the Commonwealth or activities therein or its inhabitants and residents, with the sole exception of taxes imposed under chapters 2 and 21 of the Internal Revenue Code of 1986, as specifically excluded under 703(b) of the Covenant, together with interest on any amounts not covered over within 1 year of the date of receipt.”

(b) SETTLEMENT.—The Secretary of the Interior shall review the analysis and methodology submitted by the Commonwealth of the Northern Mariana Islands for amounts due under section 703(b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) and shall negotiate with the Governor of the Commonwealth to reach a settlement for all past due sums set forth in the analysis as well as other sums, such as excise taxes and other collections applicable in or to the Commonwealth. Any settlement shall be conditioned on the Commonwealth executing a full and final release of any and all claims

under section 703(b) of the Covenant and submission of a plan for the expenditure of all funds for essential infrastructure for education and water.

TITLE VIII—UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “United States-Mexico Transboundary Aquifer Assessment Act”.

SEC. 802. PURPOSE.

The purpose of this title 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. 803. DEFINITIONS.

In this title:

(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 804(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 Agua 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. 804. 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. 805. 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. 806. EFFECT.

Nothing in this title 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. 807. 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. 808. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$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.

TITLE IX—CASTILLO DE SAN MARCOS NATIONAL MONUMENT

Subtitle A—Castillo de San Marcos National Monument Preservation Act

SEC. 901. SHORT TITLE.

This subtitle may be cited as the “Castillo de San Marcos National Monument Preservation and Education Act”.

SEC. 902. VISITOR CENTER.

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the “Secretary”) may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the “Monument”).

(b) **PREFERRED ALTERNATIVE.**—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

SEC. 903. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

SEC. 904. BOUNDARY EXPANSION.

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 902 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

(b) **ADMINISTRATION OF NEWLY ACQUIRED LAND.**—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) **BOUNDARY MODIFICATION.**—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

SEC. 905. PROJECT APPROVAL.

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 902, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Subtitle B—Castillo de San Marcos National Monument Boundary Modification

SEC. 911. SHORT TITLE.

This subtitle may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

SEC. 912. FINDINGS.

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830's, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange

Street are adequately protected by the City's archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

SEC. 913. BOUNDARY ADJUSTMENT.

(a) **CONVEYANCE OF LAND.**—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) **BOUNDARY REVISION.**—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

TITLE X—NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS

SEC. 1001. SHORT TITLE.

This title may be cited as the “Northern California Coastal Wild Heritage Wilderness Act”.

SEC. 1002. DEFINITION OF SECRETARY.

In this title, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 1003. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **SNOW MOUNTAIN WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Mendocino National Forest, comprising approximately 23,312 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the “Snow Mountain Wilderness”, as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest” and dated September 17, 2004; and

(ii) the map entitled “Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest” and dated September 17, 2004.

(2) **SANHEDRIN WILDERNESS.**—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled “Sanhedrin Proposed Wilderness, Mendocino National Forest” and dated September 17, 2004, which shall be known as the “Sanhedrin Wilderness”.

(3) **YUKI WILDERNESS.**—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately

54,087 acres, as generally depicted on the map entitled "Yuki Proposed Wilderness" and dated October 28, 2004, which shall be known as the "Yuki Wilderness".

(4) **YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.**—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 25,806 acres, as generally depicted on the map entitled "Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition" and dated October 28, 2004, is incorporated in and shall be considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) **MAD RIVER BUTTES WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 6,494 acres, as generally depicted on the map entitled "Mad River Buttes, Mad River Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mad River Buttes Wilderness".

(6) **SISKIYOU WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Six Rivers National Forest, comprising approximately 48,754 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled "Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest" and dated October 28, 2004;

(ii) the map entitled "Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated October 28, 2004;

(iii) the map entitled "Blue Ridge Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iv) the map entitled "Broken Rib Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004; and

(v) the map entitled "Woolly Bear Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 27, 2004.

(7) **MOUNT LASSIC WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled "Mt. Lassic Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mount Lassic Wilderness".

(8) **TRINITY ALPS WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled "Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest", and dated October 28, 2004;

(ii) the map entitled "East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iii) the map entitled "Horse Linto Unit, Trinity Alps Proposed Wilderness Addition,

Six Rivers National Forest" and dated September 17, 2004; and

(iv) the map entitled "Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004.

(9) **UNDERWOOD WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 2,977 acres, as generally depicted on the map entitled "Underwood Proposed Wilderness, Six Rivers National Forest" and dated September 17, 2004, which shall be known as the "Underwood Wilderness".

(10) **CACHE CREEK WILDERNESS.**—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 30,870 acres, as generally depicted on the map entitled "Cache Creek Wilderness Area" and dated September 27, 2004, which shall be known as the "Cache Creek Wilderness".

(11) **CEDAR ROUGHS WILDERNESS.**—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled "Cedar Roughs Wilderness Area" and dated September 27, 2004, which shall be known as the "Cedar Roughs Wilderness".

(12) **SOUTH FORK EEL RIVER WILDERNESS.**—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled "South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated September 27, 2004, which shall be known as the "South Fork Eel River Wilderness".

(13) **KING RANGE WILDERNESS.**—

(A) **IN GENERAL.**—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled "King Range Wilderness", and dated November 12, 2004, which shall be known as the "King Range Wilderness".

(B) **APPLICABLE LAW.**—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this title and Public Law 91-476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(14) **ROCKS AND ISLANDS.**—

(A) **IN GENERAL.**—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) **APPLICABLE LAW.**—In the case of a conflict between this title and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 1004. ADMINISTRATION OF WILDERNESS AREAS.

(a) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) **MAP AND DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this title with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area designated by this title that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this title is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may take such measures in the wilderness areas designated by this title as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98-40 of the 98th Congress.

(2) **REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this title to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) **ACCESS TO PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this title adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) **KING RANGE WILDERNESS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), within the wilderness designated by section 1003(13), the access route depicted on the map for private landowners shall also be available for invitees of the private landowners.

(B) **LIMITATION.**—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or invitees beyond the access that would be available if the wilderness had not been designated.

(g) **SNOW SENSORS AND STREAM GAUGES.**—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this title, nothing in this title prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) **MILITARY ACTIVITIES.**—Nothing in this title precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment

of military flight training routes over wilderness areas designated by this title.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this title, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this title if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this title affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this title by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates protective perimeters or buffer zones around any wilderness area designated by this title.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 1005. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughts Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1006. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, comprising approximately 9,655 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness” and dated September 27, 2004, is designated as a potential wilderness area.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness.

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(B) the date that is 5 years after the date of enactment of this Act.

(2) ADMINISTRATION.—On designation as wilderness under paragraph (1), the potential wilderness area shall be—

(A) known as the “Elkhorn Ridge Wilderness”; and

(B) administered in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1007. WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION OF BLACK BUTTE RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following: “() BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

“(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to

its confluence with Middle Eel River, as a scenic river.

“(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.”.

(b) PLAN; REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment under subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) TRANSMITTAL TO COUNTY.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 1008. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91-476 (16 U.S.C. 460y-8) is amended by adding at the end the following:

“(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled ‘King Range Wilderness’ and dated November 12, 2004, is included in the area.”.

TITLE XI—TRIBAL PARITY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the “Tribal Parity Act”.

SEC. 1102. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 1103. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking “\$39,300,000” and inserting “\$186,822,140”.

SEC. 1104. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking “\$27,500,000” and inserting “\$105,917,853”.

**TITLE XII—REDWOOD NATIONAL PARK
BOUNDARY ADJUSTMENT**

SEC. 1201. SHORT TITLE.

This title may be cited as the “Redwood National Park Boundary Adjustment Act of 2004”.

SEC. 1202. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking “(a) The area” and all that follows through the period at the end and inserting the following: “(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.”;

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

“(2) The map referred to in paragraph (1) shall be—

“(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

“(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.”; and

(3) in the second sentence—

(A) by striking “The Secretary” and inserting the following:

“(3) The Secretary”; and

(B) by striking “one hundred and six thousand acres” and inserting “133,000 acres”.

**TITLE XIII—VALLES CALDERA
PRESERVATION**

SEC. 1301. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act of 2004”.

SEC. 1302. 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. 1303. 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. 1304. 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 non-emergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”.

**TITLE XIV—CENTRAL NEVADA RURAL
CEMETERIES**

SEC. 1401. SHORT TITLE.

This title may be cited as the “Central Nevada Rural Cemeteries Act”.

**SEC. 1402. CONVEYANCE TO LANDER COUNTY,
NEVADA.**

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800’s of the cemetery known as “Kingston Cemetery” in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85–569 (commonly known as the “Townsite Act”) (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “Secretary”), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the “county”), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as “Kingston Cemetery”, consisting of approximately 10 acres and more particularly described as SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for

any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 1403. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

TITLE XV—DANDINI RESEARCH PARK CONVEYANCE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Dandini Research Park Conveyance Act".

SEC. 1502. DEFINITIONS.

In this title:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of

the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1503. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

TITLE XVI—ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

SEC. 1601. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) DEFINITION OF OWNER.—In this section, the term "owner" means an owner that is able to convey to the United States clear title to property taken under this section.

(b) TAKING OF PROPERTY.—Notwithstanding any other provision of law, effective 30 days after the date of enactment of this Act, there is vested in the United States all right, title, and interest in and to, and the right to immediate possession of certain land located in a master planned community development in Washington County, Utah, known as "PAHO", owned by Environmental Land Technology, Ltd., Rocky Mountain Ventures, and James Doyle, within the Red Cliffs Reserve in Washington County, Utah, consisting of—

(A) the fee simple interest in approximately 1,516 acres of real property; and

(B) the fee simple interest in 34 acres of real property adjacent to the Red Cliffs Reserve owned by Environmental Land Technology, Ltd.

(c) JUST COMPENSATION.—

(1) IN GENERAL.—The United States shall pay the owner just compensation determined as of the date of enactment of this Act.

(2) AMOUNT.—Payment of just compensation shall be in the amount of—

(A) the valuation of the property determined by judgment awarded by a United States Court of competent jurisdiction;

(B) interest from the date of enactment of this Act; and

(C) any other costs and expenses, if any, as determined by the court.

(3) INTEREST.—Interest under this subsection shall be compounded in the same manner as under subsection (b)(2)(B) of the first section of the Act of April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except that the reference in that provision to the date of enactment of the Manassas National Battlefield Park Amendments of 1988 shall be deemed to be a reference to the date of enactment of this Act.

(4) SOURCE OF PAYMENT.—Payment of the amount pursuant to this section shall be made from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(5) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of any judgment entered against the United States with respect to the taking of property under this section.

TITLE XVII—NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP

SEC. 1701. SHORT TITLE.

This title may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2004".

Subtitle A—Northern Arizona Land Exchange

SEC. 1711. DEFINITIONS.

In this subtitle:

(1) CAMP.—The term "camp" means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and Young Life Lost Canyon camps in the State of Arizona.

(2) CITIES.—The term "cities" means the cities of Flagstaff, Williams, and Camp Verde, Arizona.

(3) FEDERAL LAND.—The term "Federal land" means the land described in section 1714.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land described in section 1713.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term "Yavapai Ranch" means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 1712. LAND EXCHANGE.

(a) IN GENERAL.—(1) Upon the conveyance by Yavapai Ranch of title to the non-Federal land identified in section 1713, the Secretary shall simultaneously convey to Yavapai Ranch title to the Federal land identified in section 1714.

(2) Title to the lands to be exchanged shall be in a form acceptable to the Secretary and Yavapai Ranch.

(3) The Federal and non-Federal lands to be exchanged under this subtitle may be modified prior to the exchange as provided in this subtitle.

(4)(A) By mutual agreement, the Secretary and Yavapai Ranch may make minor and technical corrections to the maps and legal descriptions of the lands and interests therein exchanged or retained under this subtitle, including changes, if necessary to conform to surveys approved by the Bureau of Land Management.

(B) In the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(b) EXCHANGE PROCESS.—(1) Except as otherwise provided in this subtitle, the land exchange under subsection (a) shall be undertaken in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716).

(2) Before completing the land exchange under this subtitle, the Secretary shall perform any necessary land surveys and pre-exchange inventories, clearances, reviews, and

approvals, including those relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and flood plains.

(c) EQUAL VALUE EXCHANGE.—(1) The value of the Federal land and the non-Federal land shall be equal, or equalized by the Secretary by adjusting the acreage of the Federal land in accordance with paragraph (2).

(2) If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, prior to making other adjustments, the Federal lands shall be adjusted by deleting all or part of the parcels or portions of the parcels in the following order:

(A) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 316 acres, located in the Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ portion of section 26 and the N $\frac{1}{2}$ N $\frac{1}{2}$ portion of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(B) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE $\frac{1}{4}$ NE $\frac{1}{4}$ portion of section 26, and the S $\frac{1}{2}$ N $\frac{1}{2}$ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) Beginning at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, by adding to the non-Federal land to be conveyed to the United States in $\frac{1}{8}$ -section increments (E-W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36 in Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(D) Any other parcels, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(3) If any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining lands shall be adjusted as provided in this subsection.

(4) If the value of the Federal land exceeds the value of the non-Federal land by more than \$50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is, to the maximum extent practicable, equal.

(d) APPRAISALS.—(1) The value of the Federal land and non-Federal land shall be determined by appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved the final appraised values of the Federal land and non-Federal land to be exchanged, the Secretary shall not be required to reappraise or update the final appraised values before the completion of the land exchange.

(B) This paragraph shall apply during the three-year period following the approval by

the Secretary of the final appraised values of the Federal land and non-Federal land unless the Secretary and Yavapai Ranch have entered into an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall determine the value of each parcel of Federal land and non-Federal land (including the contributory value of each individual section of the intermingled Federal and non-Federal land of the property described in sections 103(a) and 104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the public of the final appraised values of the Federal land and non-Federal land, the Secretary shall provide public notice of any appraisals approved by the Secretary and copies of such appraisals shall be available for public inspection in appropriate offices of the Prescott, Coconino, and Kaibab National Forests.

(B) The Secretary shall also provide copies of any approved appraisals to the cities and the owners of the camps described in section 1711(1).

(e) CONTRACTING.—(1) If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in section 1716(c), Yavapai Ranch, subject to the agreement of the Secretary, may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date.

(2) If, in accordance with this subsection, Yavapai Ranch contracts with an independent third-party contractor to carry out any work that would otherwise be performed by the Secretary, the Secretary shall reimburse Yavapai Ranch for the costs for the third-party contractors.

(f) EASEMENTS.—(1) The exchange of non-Federal and Federal land under this subtitle shall be subject to any easements, rights-of-way, utility lines, and any other valid encumbrances in existence on the date of enactment of this subtitle, including acquired easements for water pipelines as generally depicted on the map entitled "Yavapai Ranch Land Exchange, YRLP Acquired Easements for Water Lines" dated April 2002, and any other reservations that may be agreed to by the Secretary and Yavapai Ranch.

(2) Upon completion of the land exchange under this subtitle, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for access and utilities across, over, and through—

(A) the routes depicted on the map entitled "Yavapai Ranch Land Exchange, Road and Trail Easements, Yavapai Ranch Area" dated April 2002; and

(B) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(3) An easement described in paragraph (2) shall be unrestricted and non-exclusive in nature and shall run with and benefit the land.

(g) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—(1) Prior to the completion of the land exchange between Yavapai Ranch and the Secretary, the cities and the owners of the camps may enter into agreements with Yavapai Ranch whereby Yavapai Ranch, upon completion of the land exchange, will convey to the cities or the owners of the camps the applicable parcel of Federal land or portion thereof.

(2) If Yavapai Ranch and the cities or camp owners have not entered into agreements in accordance with paragraph (1), the Secretary shall, on notification by the cities or owners of the camps no later than 30 days after the date the relevant approved appraisal is made publicly available, delete the applicable parcel or portion thereof from the land exchange between Yavapai Ranch and the United States as follows:

(A) Upon request of the City of Flagstaff, Arizona, the parcels, or portion thereof, described in section 1714(a)(2).

(B) Upon request of the City of Williams, Arizona, the parcels, or portion thereof, described in section 1714(a)(3).

(C) Upon request of the City of Camp Verde, Arizona, a portion of the parcel described in section 1714(a)(4), comprising approximately 514 acres located southeast of the southeastern boundary of the I-17 right-of-way, and more particularly described as the SE $\frac{1}{4}$ portion of the southeast quarter of section 26, the E $\frac{1}{2}$ and the E $\frac{1}{2}$ W $\frac{1}{2}$ portions of section 35, and lots 5 through 7 of section 36, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(D) Upon request of the owners of the Younglife Lost Canyon camp, the parcel described in section 1714(a)(5).

(E) Upon request of the owner of Friendly Pines Camp, Patterdale Pines Camp, Camp Pearlstein, Pine Summit, or Sky Y Camp, as applicable, the corresponding parcel described in section 1714(a)(6).

(3)(A) Upon request of the specific city or camp referenced in paragraph (2), the Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the fair market value of the parcel and subject to any terms and conditions the Secretary may require.

(B) A conveyance under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(4) A city or owner of a camp purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals of the specific property conveyed.

(5) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(6) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

(7)(A) The Secretary shall deposit the proceeds of any sale under paragraph (2) in a special account in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this subtitle.

SEC. 1713. DESCRIPTION OF NON-FEDERAL LAND.

(a) IN GENERAL.—The non-Federal land referred to in this subtitle consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Non-Federal Lands", dated April 2002.

(b) EASEMENTS.—(1) The conveyance of non-Federal land to the United States under section 1712 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and

(B) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

(2) Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(3) The United States shall be entitled to one-half the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually for National Forest System purposes.

(4) The locations of the easements and wells shall be as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Reserved Easements for Water Lines and Wells", dated April 2002.

SEC. 1714. DESCRIPTION OF FEDERAL LAND.

(a) IN GENERAL.—The Federal land referred to in this subtitle consists of the following:

(1) Certain land comprising approximately 15,300 acres located in the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Yavapai Ranch Area Federal Lands", dated April 2002.

(2) Certain land located in the Coconino National Forest—

(A) comprising approximately 1,500 acres as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel", dated April, 2002; and

(B) comprising approximately 28.26 acres in two separate parcels, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Wetzel School and Mt. Elden Parcels", dated September 2002.

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Sewer, Bucksinner Park, Williams Railroad, and Well parcels number 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Williams Federal Lands", dated April 2002.

(4) Certain land located in the Prescott National Forest, comprising approximately 2,200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Camp Verde Federal Land General Crook Parcel", dated April 2002.

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Younglife Lost Canyon", dated April 2002.

(6) Certain land located in the Prescott National Forest, including the "Friendly Pines", "Patterdale Pines", "Camp Pearlstein", "Pine Summit", and "Sky Y" camps, cumulatively comprising approximately 200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Prescott Federal Lands, Summer Youth Camp Parcels", dated April 2002.

(b) CONDITION OF CONVEYANCE OF CAMP VERDE PARCEL.—(1) To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence of the date of enactment of this subtitle and the Verde River and National Forest System lands retained by the United States, the United States shall limit in perpetuity the use of water on the parcel by reserving conservation easements that—

(A) run with the land;

(B) prohibit golf course development on the parcel;

(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;

(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;

(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and

(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use on the land conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 1715. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Land acquired by the United States under this subtitle shall become part of the Prescott National Forest and shall be administered by the Secretary in accordance with this subtitle and the laws applicable to the National Forest System.

(b) GRAZING.—Where grazing on non-Federal land acquired by the Secretary under this subtitle occurs prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with the laws generally applicable to domestic livestock grazing on National Forest System land.

(c) TIMBER HARVESTING.—(1) After completion of the land exchange under this subtitle, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this subtitle if the Secretary determines that such harvesting is necessary—

(A) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(B) to protect or enhance grassland habitat, watershed values, native plants and wildlife species; or

(C) to improve forest health.

SEC. 1716. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land is withdrawn from all forms of entry and appropriation under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws, until the date on which the land exchange is completed.

(c) COMPLETION OF EXCHANGE.—It is the intent of Congress that the land exchange authorized and directed under this subtitle be completed not later than 18 months after the date of enactment of this Act.

SEC. 1717. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to a person that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt

River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the person acquiring the land shall pay to the Secretary consideration in the amount of—

(1) \$2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—(1) Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the person acquiring the land, the Secretary shall convey to the person the land described in subsection (b).

(2) If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

Subtitle B—Verde River Basin Partnership

SEC. 1721. PURPOSE.

The purpose of this subtitle is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 1722. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term "Partnership" means the Verde River Basin Partnership.

(3) PLAN.—The term "plan" means the plan for the Verde River Basin required by section 1724(a)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means the State of Arizona.

(6) VERDE RIVER BASIN.—The term "Verde River Basin" means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term "water budget" means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation;

(v) for agricultural use; and

(vi) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 1723. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may participate in the establishment of a partnership, to be known as the "Verde River Basin Partnership", made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to coordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and management activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are

authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 1724. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for conducting water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) CONSIDERATION OF RECOMMENDATIONS.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) EFFECT.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.

SEC. 1725. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this subtitle in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 1726. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this subtitle.

SEC. 1727. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

TITLE XVIII—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1801. SHORT TITLE.

This title may be cited as the “Pactola Reservoir Reallocation Authorization Act of 2004”.

SEC. 1802. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1803. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with 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 construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, an act 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, and for other purposes; as follows:

Strike section 201 and insert the following:
SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

(a) IN GENERAL.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 607, 811, and 910, by striking “September 30, 2012” and inserting “September 30, 2027”; and

(2) in title VIII, by striking “Canal National Heritage Corridor” each place it appears in the section headings and text and inserting “National Heritage Canalway”.

(b) JOHN H. CHAFEE BLACKSTONE RIVER VALLEY.—Section 7 of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking “on the date” and all that follows through “section” and inserting “on September 30, 2027”.

After title VII, add the following:

TITLE VIII—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 801. SHORT TITLE.

This title may be cited as the “Wind Cave National Park Boundary Revision Act of 2004”.

SEC. 802. DEFINITIONS.

In this title:

(1) MAP.—The term “map” means the map entitled “Wind Cave National Park Boundary Revision”, numbered 108/80,030, and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National Park in the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of South Dakota.

SEC. 803. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 804. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 803(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

SEC. 805. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 803(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 803(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 803(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE IX—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 901. SHORT TITLE.

This title may be cited as the “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004”.

SEC. 902. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features re-

ferred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the

United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title \$750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE X—STEEL INDUSTRY NATIONAL HISTORIC SITE

SEC. 1001. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this title are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 1002. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) ESTABLISHMENT.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) DESCRIPTION.—

(1) INCLUSION OF CERTAIN PROPERTY.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled "Steel Industry National Historic Site", dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marccegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast

house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) ACQUISITION OF PROPERTY.—To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) PRIVATE PROPERTY PROTECTIONS.—Nothing in this title shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) ADMINISTRATION.—The Secretary of the Interior shall administer the historic site in accordance with this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) CONTRARY PURPOSES.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) GENERAL MANAGEMENT PLAN.—

(1) PREPARATION.—Not later than three years after the date on which funds are first made available to carry out this title, the Secretary of the Interior shall prepare a general management plan for the historic site

that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) CONSULTATION.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE XI—ST. CROIX NATIONAL HERITAGE AREA STUDY

SEC. 1101. ST. CROIX NATIONAL HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(3) provides outstanding recreational and educational opportunities;

(4) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(6) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(7) has a conceptual boundary map that is supported by the public.

(b) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior 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 on the findings, conclusions, and recommendations as the Secretary deems appropriate.

TITLE XII—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 1201. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) **PURPOSES.**—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 1202. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) **HERITAGE AREA.**—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 1203.

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 1205.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Georgia.

SEC. 1203. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “Arabia Mountain National Heritage

Area”, numbered AMNHA/80,000, and dated October, 2003.

(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) **MANAGEMENT ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 1204. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The management entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The management entity shall give priority to implementing actions described in the management plan, including assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(3) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) **AUDIT.**—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) 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 those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 1205. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(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 the purposes of this title.

(3) An interpretation plan for the heritage area.

(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.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the management 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 title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **REVISION.**—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management 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.

(g) **REVISION OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the management 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 management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1206. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area 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, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 1207. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 1203(b) but for the establishment of the heritage area by section 1203; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 1203(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 1203.

(b) LAND USE REGULATION.—Nothing in this title—

(1) 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; or

(2) grants powers of zoning or land use to the management entity.

SEC. 1208. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1209. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this

title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 1211. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

TITLE XIII—UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA**SEC. 1301. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—
 (i) Edith Wharton's home, The Mount, Lenox, Massachusetts;
 (ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;
 (iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;
 (iv) Mission House, Stockbridge, Massachusetts; and
 (v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and
 (B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;
 (ii) Beckley Bog, Norfolk, Connecticut;
 (iii) Bingham Bog, Salisbury, Connecticut; and
 (iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron,

paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 1302. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 1303.

(2) MANAGEMENT ENTITY.—The term "Management Entity" means the management entity for the Heritage Area designated by section 1303(d).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area specified in section 1305.

(4) MAP.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 1303. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 1304. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 1305;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this title to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 1305. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this title.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this title until such time as the management plan is submitted to the Secretary.

SEC. 1306. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved 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, historical, 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) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—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 management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1307. 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 title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) 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. 1308. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their

property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1309. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1310. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) MATCHING FUNDS.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

SEC. 1311. SUNSET.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after funds are first made available for this title.

TITLE XIV—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1401. SHORT TITLE.

This title may be cited as the “Pactola Reservoir Reallocation Authorization Act of 2004”.

SEC. 1402. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1403. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supple-

mental to and amendatory of that Act (43 U.S.C. 371 et seq.), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

TITLE XV—GULLAH/GEECHEE CULTURAL HERITAGE

SEC. 1501. SHORT TITLE.

This title may be cited as the “Gullah/Geechee Cultural Heritage Act”.

SEC. 1502. PURPOSES.

The purposes of this title are to—

(1) recognize the important contributions made to American culture and history by African-Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina and Georgia;

(2) assist State and local governments and public and private entities in the South Carolina and Georgia in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 1503. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) COMMISSION.—The term “Commission” means the Gullah/Geechee Cultural Heritage Corridor Commission established under this title.

(2) HERITAGE CORRIDOR.—The term “Heritage Corridor” means the Gullah/Geechee Cultural Heritage Corridor established by this title.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 1504. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled “Gullah/Geechee Cultural Heritage Corridor” numbered GGCHC/80,000, and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this title; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this title.

SEC. 1505. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as “Gullah/Geechee Cultural Heritage Corridor Commission” whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 1504.

(b) MEMBERSHIP.—The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals nominated by the State Historic Preservation Officer of Georgia and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from Georgia who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

SEC. 1506. OPERATION OF THE COMMISSION.

(a) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 1507;

(2) assist units of local government and other persons in implementing the Approved management plan by—

(A) carry out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with the States of South Carolina and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 1507. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this title; and

(9) include an interpretive plan for the Heritage Corridor.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this title.

(c) **FAILURE TO SUBMIT.**—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the manage-

ment plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1508. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) **PRIORITY FOR ASSISTANCE.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) **SPENDING FOR NON-FEDERAL PROPERTY.**—

(1) **IN GENERAL.**—The Commission may expend Federal funds made available under this title on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) **AGREEMENTS.**—Any payment of Federal funds made pursuant to this title shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 1509. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 1510. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this title and using the authorities made available under this title, the Commission shall establish one or more Coastal Heritage Centers at

appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003.

SEC. 1511. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this title shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 1512. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this title.

(b) **COST SHARE.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any activity for which assistance is provided under this title.

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this title.

SEC. 1513. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after the date of enactment of this Act.

TITLE XVI—WESTERN RESERVE HERITAGE AREA

SEC. 1601. SHORT TITLE.

This title may be cited as the ‘‘Western Reserve Heritage Areas Study Act’’.

SEC. 1602. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ash-tabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ot-tawa, and Ashland in Ohio with the rich his-tory in what was once the Western Reserve, has made a unique contribution to the cul-tural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many set-tlers migrated to in order to begin life out-side of the original 13 colonies.

(3) The Western Reserve played a signifi-cant role in providing land to the people of Connecticut whose property and land was de-structed during the Revolution. These set-tlers were descendants of the brave immi-grants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new des-tination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve re-mains transfixed in the counties of Trum-bull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwav-ering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establish-ment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the West-ern Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and cen-ters of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the signifi-cance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is re-sponsible for protecting the Nation's cul-tural and historical resources. There are sig-nificant examples of such resources within these counties and what was once the West-ern Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local govern-mental entities, to adequately conserve, pro-tect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organiza-tions, carry out a study regarding the suit-ability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together rep-resent distinctive aspects of American herit-age worthy of recognition, conservation, in-terpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous re-sources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capa-ble of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the plan-ning, have developed a conceptual financial plan that outlines the roles for all partici-pants, including the Federal Government, and have demonstrated support for the con-cept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the coun-ties of Trumbull, Mahoning, Ashtabula, Por-tage, Geagua, Lake, Cuyahoga, Summit, Me-dina, Huron, Lorain, Erie, Ottawa, and Ash-land in Ohio.

TITLE XVII—TRIBAL PARITY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the “Tribal Parity Act”.

SEC. 1702. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cul-tural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those In-dian tribes has not been consistent;

(6) Missouri River Indian tribes that suf-fered injury as a result of 1 or more Pick-Sloan Projects should be adequately com-pensated for those injuries, and that com-pensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on method-ology determined appropriate by the General

Accounting Office, are entitled to receive ad-ditional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Mis-souri River Indian tribes.

SEC. 1703. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking “\$39,300,000” and in-serting “\$186,822,140”.

SEC. 1704. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking “\$27,500,000” and insert-ing “\$105,917,853”.

TITLE XVIII—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA

SEC. 1801. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Span-ish 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 gov-ernments and interested individuals to es-tablish a National Heritage Area to coordi-nate and assist in the preservation and inter-pretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several al-ternatives consistent with the establishment of a National Heritage Area, including con-ducting 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 pre-serving these unique cultural, historical and natural resources.

SEC. 1802. DEFINITIONS.

As used in this title—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

(2) the term “Secretary” means the Sec-retary of the Interior.

SEC. 1803. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby es-tablished 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 Her-itage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the her-itage area.

(2) The Board of Directors for the manage-ment 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 mem-bers of the general public. The total number of Board members and the number of Direc-tors representing State, local and tribal gov-ernments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 1804. AUTHORITY AND DUTIES OF THE MAN-AGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this title, 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 title.

(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 title 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 sites 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 title, consistent with the management plan.

(d) **PROHIBITION ON ACQUIRING REAL PROPERTY.**—The management entity may not use Federal funds received under this title 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 title, 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. 1805. 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. 1806. SAVINGS PROVISIONS.

(a) **NO EFFECT ON PRIVATE PROPERTY.**—Nothing in this title 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 title shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) **AUTHORITY OF GOVERNMENTS.**—Nothing in this title 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 title shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 1807. SUNSET.

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.

SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$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 title shall be not more than 50 percent.

TITLE XIX—ATCHAFALAYA NATIONAL HERITAGE AREA

SEC. 1901. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 1902(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 1902(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 1904.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Louisiana.

SEC. 1902. 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. 1903. 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 title, 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 title, 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 title 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. 1904. 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 title;

(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 title, 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 title 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 title shall be used to implement any revision proposed by the local

coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1905. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent to the management entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1906. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 1907. EFFECT OF TITLE.

Nothing in this title 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 title;

(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 title 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 title, of any public utility or common carrier.

SEC. 1908. REPORTS.

For any year in which Federal funds have been made available under this title, 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. 1909. 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 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 title shall be not more than 50 percent.

SEC. 1910. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this title terminates on the date that is 15 years after the date of enactment of this title.

TITLE XX—CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP

SEC. 2001. SHORT TITLE.

This title may be cited as the “Champlain Valley National Heritage Partnership Act of 2003”.

SEC. 2002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals, boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled “Champlain

Valley Heritage Corridor Project”, “the Champlain Valley contains resources and represents a theme ‘The Making of Nations and Corridors of Commerce’, that is of outstanding importance in U.S. history”; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme “The Making of Nations and Corridors of Commerce” to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 2003. DEFINITIONS.

In this title:

(1) HERITAGE PARTNERSHIP.—The term “Heritage Partnership” means the Champlain Valley National Heritage Partnership established by section 2004(a).

(2) MANAGEMENT ENTITY.—The term “management entity” means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2004(b)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term “region” means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term “region” includes

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—the term “State” means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term “theme” means the theme “The Making of Nations and Corridors of Commerce”, as the term is used in the 1999 report of the National Park Service entitled

“Champlain Valley Heritage Corridor Project”, that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 2004. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the regional the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement the title.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this title based on its federally authorized plan “Opportunities for Action, an Evolving Plan For Lake Champlain”.

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this title.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (I), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (V)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under subparagraph (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (vii)(I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any amendment proposed by the management entity under subparagraph (vii)(1) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this title, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this title.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this title, the Secretary may provide technical and financial assistance to the management entity.

SEC. 2005. EFFECT.

Nothing in this title—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) not be less than 50 percent.

SEC. 2007. 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 XXI—GREAT BASIN NATIONAL HERITAGE ROUTE

SEC. 2101. SHORT TITLE.

This title may be cited as the “Great Basin National Heritage Route Act”.

SEC. 2102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) **PURPOSES.**—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage

while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 2103. DEFINITIONS.

In this title:

(1) **GREAT BASIN.**—The term “Great Basin” means the North American Great Basin.

(2) **HERITAGE ROUTE.**—The term “Heritage Route” means the Great Basin National Heritage Route established by section 2104(a).

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the Great Basin Heritage Route Partnership established by section 2104(c).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the plan developed by the management entity under section 2106(a).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2104. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) **ESTABLISHMENT.**—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) **BOUNDARIES.**—The management entity shall determine the specific boundaries of the Heritage Route.

(c) **MANAGEMENT ENTITY.**—

(1) **IN GENERAL.**—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) **BOARD OF DIRECTORS.**—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 2105. MEMORANDUM OF UNDERSTANDING.

(a) **IN GENERAL.**—In carrying out this title, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) **INCLUSIONS.**—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) **ADDITIONAL REQUIREMENTS.**—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) **USE OF FUNDS.**—Funds made available under this title shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 2106. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 2104(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 2104(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) **CONSIDERATIONS.**—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 2105(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) **FAILURE TO SUBMIT.**—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) **CRITERIA.**—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—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) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) 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. 2107. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually re-

garding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining 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 for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The management entity shall not regulate land use within the Heritage Route.

SEC. 2108. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 2109. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this title—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this title.

SEC. 2110. 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) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this title shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 2111. 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 XXII—BLEEDING KANSAS AND ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA

SEC. 2201. SHORT TITLE.

This title may be cited as the “Bleeding Kansas National Heritage Area Act”.

SEC. 2202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Bleeding Kansas National Heritage Area is a cohesive assemblage of natural, historic, cultural, and recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(B) are best managed through partnerships between private and public entities; and

(C) will build upon the Kansas rural development policy and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(2) The Bleeding Kansas National Heritage Area reflects traditions, customs, beliefs, folk life, or some combination thereof, that are a valuable part of the heritage of the United States.

(3) The Bleeding Kansas National Heritage Area provides outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) The Bleeding Kansas National Heritage Area provides outstanding recreational and interpretive opportunities.

(5) The Bleeding Kansas National Heritage Area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) Residents, nonprofit organizations, other private entities, and units of local government throughout the Bleeding Kansas National Heritage Area demonstrate support for designation of the Bleeding Kansas National Heritage Area as a national heritage area and for management of the Bleeding Kansas National Heritage Area as appropriate for such designation.

(7) Capturing these interconnected stories through partnerships with National Park Service sites, Kansas State Historical Society sites, local organizations, and citizens will augment the story opportunities within the prospective boundary for the educational and recreational benefit of this and future generations of Americans.

(8) Communities throughout this region know the value of their Bleeding Kansas legacy, but require expansion of the existing cooperative framework to achieve key preservation, education, and other significant goals by working more closely together.

(9) The State of Kansas officially recognized the national significance of the Bleeding Kansas story when it designated the heritage area development as a significant strategic goal within the statewide economic development plan.

(10) Territorial Kansas Heritage Alliance is a nonprofit corporation created for the purposes of preserving, interpreting, developing, promoting and, making available to the public the story and resources related to the story of Bleeding Kansas and the Enduring Struggle for Freedom.

(11) Territorial Kansas Heritage Alliance has completed a study that—

(A) describes in detail the role, operation, financing, and functions of Territorial Kansas Heritage Alliance, the management entity; and

(B) provides adequate assurances that Territorial Kansas Heritage Alliance, the management entity, is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirements for grants.

(12) There are at least 7 National Historic Landmarks, 32 National Register properties, 3 Kansas Register properties, and 7 properties listed on the National Underground Railroad Network to Freedom that contribute to the Heritage Area as well as other significant properties that have not been designated at this time.

(13) There is an interest in interpreting all sides of the Bleeding Kansas story that requires further work with several counties in Missouri interested in joining the area.

(14) In 2004, the State of Kansas is commemorating the Sesquicentennial of the signing of the Kansas-Nebraska Act, opening the territory to settlement.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To designate a region in eastern Kansas and western Missouri containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as the Bleeding Kansas National Heritage Area.

(2) To strengthen, complement, and support the Fort Scott, Brown v. Board of Education, Nicodemus and Tallgrass Prairie sites through the interpretation and conservation of the associated living landscapes outside of the boundaries of these units of the National Park System.

(3) To describe the extent of Federal responsibilities and duties in regard to the Heritage Area.

(4) To further collaboration and partnerships among Federal, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage the resources and opportunities in the Heritage Area through grants, technical assistance, training and other means.

(5) To authorize Federal financial and technical assistance to management entity to assist in the conservation and interpretation of the Heritage Area.

(6) To empower communities and organizations in Kansas to preserve the special historic identity of Bleeding Kansas and with it the identity of the Nation.

(7) To provide for the management, preservation, protection, and interpretation of the natural, historical, and cultural resources within the region for the educational and inspirational benefit of current and future generations.

(8) To provide greater community capacity through inter-local cooperation.

(9) To provide a vehicle, particularly in the four counties with high out-migration of population, to recognize that self-reliance and resilience will be the keys to their economic future.

(10) To build upon the Kansas rural development policy, the Kansas agritourism initiative and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(11) To educate and cultivate among its citizens, particularly its youth, the stories and cultural resources of the region's legacy that—

(A) reflect the popular phrase “Bleeding Kansas” describing the conflict over slavery that became nationally prominent in Kansas just before and during the American Civil War;

(B) reflect the commitment of American settlers who first fought and killed to uphold their different and irreconcilable principles of freedom and equality during the years of the Kansas Conflict;

(C) reflect the struggle for freedom, experienced during the “Bleeding Kansas” era, that continues to be a vital and pressing issue associated with the real problem of democratic nation building; and

(D) recreate the physical environment revealing its impact on agriculture, transportation, trade and business, and social and cultural patterns in urban and rural settings.

(12) To interpret the effect of the era's democratic ethos on the development of America's distinctive political culture.

SEC. 2203. DEFINITIONS.

For the purposes of this title:

(1) MANAGEMENT ENTITY.—The term “management entity” means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

(2) HERITAGE AREA.—The term “Heritage Area” means the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area in eastern Kansas and western Missouri.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 2204. BLEEDING KANSAS AND THE ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Kansas the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) An area located in eastern Kansas and western Missouri, consisting currently of Allen, Anderson, Bourbon, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte Counties in Kansas and tentatively including additional counties in Kansas and western Missouri to be included in the development of the management plan.

(2) Contributing sites, buildings, and districts within the area will be recommended by the management plan.

(c) MAP.—Final boundary will be defined during the management plan development. 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 Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

SEC. 2205. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) prepare a management plan for the Heritage Area;

(2) prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(3) pay for operational expenses of the management entity incurred within the first 10 fiscal years beginning after the date of the enactment of this Act designating the Heritage Area;

(4) make grants or loans to entities defined in the management plan;

(5) enter into cooperative agreements with the State of Kansas, its political subdivisions, nonprofit organizations, and other organizations;

(6) hire and compensate staff;

(7) obtain money from any source under any program or law to be used for a regrant program requiring the recipient of such money to make a contribution in order to receive it;

(8) contract for goods and services; and

(9) offer a competitive grants program to contributing partners requiring a dollar-for-dollar match of Federal funds.

(b) DUTIES OF THE MANAGEMENT ENTITY.—In addition to developing the management plan, the management entity shall—

(1) give priority to the implementation of actions, goals, strategies, and standards set forth in the management plan, including assisting units of government and other persons in—

(A) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(B) establishing interpretive exhibits in the Heritage Area;

(C) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area;

(D) supporting the restoration of historic buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(E) the conservation of contributing landscapes and natural resources; and

(F) the installation throughout the Heritage Area of signs identifying public access points and sites of interest;

(2) prepare and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area;

(3) conduct public meetings in conjunction with training and skill building workshops regarding the development and implementation of the management plan; and

(4) for any fiscal year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) accomplishments of the management entity;

(ii) expenses and income of the management entity;

(iii) each entity to which a grant was made; and

(iv) an accounting of matching funds obtained to meet grant guidelines;

(B) conduct an annual audit with a neutral auditing firm and make available for audit by Congress, the Secretary, and appropriate units of government, all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of their funds.

(c) **PROHIBITION OF ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 2206. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management entity shall:

(1) **MANAGEMENT PLAN.**—Not later than 3 years after the date funds are made available for this purpose, prepare and submit a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) **COLLABORATION.**—Collaborate with and consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the geographic area of the Heritage Area in developing and implementing such a management plan.

(3) **PUBLIC INVOLVEMENT.**—Ensure regular public involvement, including public meetings at least annually, regarding the implementation of the management plan.

(b) **CONTENTS OF MANAGEMENT PLAN.**—The management plan prepared for the Heritage Area shall—

(1) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(2) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(3) involve residents, public agencies, and private organizations working in the Heritage Area;

(4) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(5) include—

(A) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(C) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the designated management entity, in cooperation with its partners and units of local government;

(E) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(F) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(G) a business plan that—

(i) describes in detail the role, operation, financing, and functions of the management entity for each activity included in the recommendations contained in the management plan; and

(ii) provides, to the satisfaction of the Secretary, adequate assurances that the management entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirements for grants awarded under this title.

(c) **PUBLIC NOTICE.**—The management entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(d) **DISQUALIFICATION FROM FUNDING.**—If a proposed management plan is not submitted to the Secretary within 4 years of the date of the enactment of this Act, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed management plan.

(e) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary shall approve or disapprove the proposed management plan submitted under this title not later than 90 days after receiving such proposed management plan.

(f) **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.

(g) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 2207. 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 technical and financial assistance for the development and implementation of the management plan.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **SPENDING FOR NON-FEDERAL PROPERTY.**—The management entity may expend Federal funds made available under this title on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) **OTHER FEDERAL AGENCIES.**—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the management entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) **OTHER ASSISTANCE NOT AFFECTED.**—This title does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) **NOTIFICATION OF OTHER FEDERAL ACTIVITIES.**—The head of each Federal agency shall provide to the Secretary and the management entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 2208. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **LAND USE REGULATION.**—

(1) **IN GENERAL.**—The management entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) **EFFECT.**—Nothing in this title—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the management entity.

(f) **PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The management entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) **EFFECT.**—Nothing in this title—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

SEC. 2209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be governed by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such inclusion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area, and not notified under subsection (a), shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 2210. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this title shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this title shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(d) EXISTING NATIONAL HERITAGE AREAS.—Nothing in this title shall affect any national heritage area so designated before the date of the enactment of this Act.

SEC. 2211. 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 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 title shall be not more than 50 percent.

SEC. 2212. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 10 years after the date of the enactment of this Act.

TITLE XXIII—NATIONAL MORMON PIONEER HERITAGE AREA**SEC. 2301. SHORT TITLE.**

This title may be cited as the “National Mormon Pioneer Heritage Area Act”.

SEC. 2302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and
(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of

natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 2303. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.

(2) BOARD.—The term “Board” means the Board of Directors of the Alliance.

(3) HERITAGE AREA.—The term “Heritage Area” means the National Mormon Pioneer Heritage Area established by section 2304(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the Board under section 2306(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Utah.

SEC. 2304. NATIONAL MORMON PIONEER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the National Mormon Pioneer Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State that are—

(A) related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) located in the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The Alliance shall provide to the government of each city, town, and county that has juris-

diction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 2305. DESIGNATION OF ALLIANCE AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Alliance shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Alliance may receive amounts made available to carry out this title.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 2306 within the time period specified in that section, the Alliance may not receive Federal funding under this title until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The Alliance may, for the purposes of developing and implementing the management plan, use Federal funds made available under this title—

(1) to make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Alliance may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 2306. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date of enactment of this Act, the Board, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans in effect on the date of enactment of this Act;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for

the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the Board, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the Board, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the Board.

(b) PRIORITIES.—The Alliance shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the Board shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The Board shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the Alliance;

(2) the expenses and income of the Alliance; and

(3) the entities to which the Alliance made any loans or grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The Alliance may delegate the responsibilities and actions under this section for each area identified in section 2304(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the Alliance.

SEC. 2307. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the Alliance; and

(B) the Alliance, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this title; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this section.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the Alliance with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 2308. NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.

(a) NO EFFECT ON LAND USE AUTHORITY.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land under any other law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this title grants powers of zoning or land use control to the Alliance.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title affects or authorizes the Alliance to interfere with—

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State or a political subdivision of the State.

SEC. 2309. 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 cost of any activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 2310. 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 XXIV—FRENCH COLONIAL HERITAGE NATIONAL HISTORIC SITE STUDY

SEC. 2401. SHORT TITLE.

This title may be cited as the “French Colonial Heritage National Historic Site Study Act of 2003”.

SEC. 2402. FINDINGS.

Congress finds that:

(1) The French Colonial Heritage Area has great historical significance as the home of two of the five poteaux-en-terre (post in the ground) vertical log French homes remaining in North America, dating from circa 1800, in addition to several other important historical artifacts.

(2) The area is located within the Ste. Genevieve National Historic District, and is adjacent to related historic properties including the third North American poteaux-en-terre home, the “Le Grand Champ” (common field used by French settlers), historic downtown Ste. Genevieve, and a pre-historic Native American village still evidenced by several ceremonial mounds.

(3) The Area contains some of the only existing examples of a French Colonial Period settlement, which was characterized by contact that emphasized integration with the local culture.

(4) Local state agencies and organizations have undertaken significant efforts to preserve the historic architecture of Ste. Genevieve and convert it to educational facilities devoted to the history of the early French experience in the New World.

(5) No current National Park System unit has comparable historic features providing the cultural backdrop required to adequately interpret the story of the early French in the New World.

SEC. 2403. DEFINITIONS.

In this title:

(1) AREA.—The term “Area” means the French Colonial Heritage Area, which includes the Bequette-Ribault, St. Gemme-Amoureux, and Wilhawk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2404. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System; and

(2) 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 findings of the study.

(b) **CONTENTS.**—The study under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XXV—SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY

SEC. 2501. SHORT TITLE.

This title may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

SEC. 2502. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Southern Campaign of the Revolution Heritage Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of South Carolina.

(4) **STUDY AREA.**—The term “study area” means the study area described in section 3(b).

SEC. 2503. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) **IN GENERAL.**—The Secretary, in consultation with State historic preservation officers, State historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate entities, shall conduct a study to assess the suitability and feasibility of designating the study area as the Southern Campaign of the Revolution Heritage Area.

(b) **DESCRIPTION OF STUDY AREA.**—The study area—

(1) shall include the counties of Anderson, Beaufort, Charleston, Cherokee, Chester, Chesterfield, Colleton, Darlington, Dorchester, Fairfield, Florence, Georgetown, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Marlboro, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York in the State; and

(2) may include—

(A) National Park Service sites in the State, including—

(i) the Charles Pickney National Historic Site;

(ii) Cowpens National Battlefield;

(iii) Fort Moultrie National Monument;

(iv) Kings Mountain National Military Park;

(v) the National Park Service affiliate of the Historic Camden Revolutionary War Site; and

(vi) the Ninety Six National Historic Site;

(B) sites maintained by the State, including—

(i) Andrew Jackson State Park;

(ii) Colonial Dorchester State Historic Site;

(iii) Fort Watson;

(iv) Eutaw Springs Battle Site;

(v) Hampton Plantation State Historic Site;

(vi) Landsford Canal State Historic Site; and

(vii) Musgrove Mill State Park;

(C) other sites in the State that are open to the public, including—

(i) Goose Creek Church;

(ii) Historic Brattonville;

(iii) Hopsewee Plantation;

(iv) Middleton Place; and

(v) Walnut Grove Plantation;

(D) the cities of Beaufort, Camden, Cayce, Charleston, Cheraw, Georgetown, Kingstree, Orangeburg, and Winnsboro, in the State; and

(E) appropriate sites and locations in the State of North Carolina, as the Secretary determines to be appropriate.

(c) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that—

(A) represent distinctive aspects of the heritage of the United States;

(B) are worthy of recognition, conservation, interpretation, and continuing use; and

(C) would be best managed—

(i) through partnerships between public and private entities; and

(ii) by linking diverse and sometimes non-contiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides—

(A) outstanding opportunities to conserve natural, historical, cultural, or scenic features; and

(B) outstanding recreational and educational opportunities;

(4) contains resources that—

(A) are important to any identified themes of the study area; and

(B) would support interpretation;

(5) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Heritage Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(C) have demonstrated support for the designation of the Heritage Area;

(6) has a potential management entity to work in partnership with the individuals and entities referred to in paragraph (5) while encouraging continued State and local economic activity; and

(7) has a conceptual boundary map that is supported by the public.

SEC. 2504. REPORT.

Not later than the 3rd fiscal year that begins 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 on—

(1) the findings of the Secretary; and

(2) any conclusions and recommendations of the Secretary.

**ORDERS FOR WEDNESDAY,
DECEMBER 8, 2004**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, December 8. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then proceed to the conference report to accompany S. 2845, the intelligence reform bill, if received from the House.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow morning the Senate will begin

consideration of the intelligence reform conference report. We hope to lock in a time certain for a vote on the conference report tomorrow. We don't have it now, but we hope to lock in a time certain. All Senators should therefore expect a rollcall vote on adoption of the conference tomorrow afternoon.

For scheduling purposes, we would like to begin that vote at sometime around 2 or 2:30 in the afternoon. Because of the uncertainty of the schedule, however, we will be prepared to hold that vote open for an extended period to accommodate all Senators. That vote could extend until approximately 5 or 5:15 tomorrow afternoon to accommodate Senators coming in from various places around the country. Given the unique circumstance, we are willing to hold the vote open; however, Members should prepare to come to the Chamber as early as possible for the vote.

We will notify all of our colleagues, all of the Senators, when the time for the vote is locked in, but, again, it should cover a period of a number of different hours in order to accommodate people who, unfortunately, are coming in from all over the country to catch this vote on this important matter.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. MCCONNELL. 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 7:29 p.m., adjourned until Wednesday, December 8, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate December 7, 2004:

NATIONAL SECURITY EDUCATION BOARD

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MANUEL TRINIDAD PACHECO, TERM EXPIRED.

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE BRUCE SUNDLUN, TERM EXPIRED.

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

HARRY ROBISON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (REAPPOINTMENT)

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

To be commander

JAMES D. RATHBUN

To be lieutenant (junior grade)

ANDREW P. SEAMAN