

forth the three definitions of "child" that by virtue of which a foreign child adopted by U.S. citizen parents may qualify for an immigrant visa. One of these definitions, in subsection 101(b)(1)(F), requires that the child be irrevocably released for adoption by the sole or surviving parent. The use of this provision has been particularly important in the context of private adoptions, where a child is released for adoption to a specified family.

As the statute is currently drafted, however, all parents of legitimate children are considered to be a "parent" for INA purposes. In recent years, many countries from which U.S. citizens adopt children have eliminated the distinction between legitimate and illegitimate children, making all children born within that jurisdiction legitimate by action of law. A child born in such a country cannot be considered to have a "sole parent," even if the child was born out of wedlock and even if the child's father has disappeared completely.

A child's ability to qualify for an immigrant visa under the "sole parent" provision has thus come to depend in many instances on where the child happens to have been born rather than on the nature of the child's relationship with his or her natural parents. In countries where all children are "legitimate," a private placement adoption becomes extremely difficult. The child may be issued an immigrant visa only under one of the other two definitions in INA section 101(b)(1): the child must either be abandoned unconditionally by the mother, usually to an orphanage (Subsection 101(b)(1)(F)), or the adopting U.S. parents must complete the adoption in the foreign country and reside in the country with the adopted child for two full years (Subsection. 101(b)(1)(E)). It seems pointless to put adopting parents through such protracted procedures simply because under local law the child is considered "legitimate" even though its parents were never married and its father has played no role in its life. In a different country where on the same facts the child would be "illegitimate," an immigrant visa could be issued relatively easily under the "sole parent" provision of INA Section 101(b)(1)(F).

While the proposed amendment will, therefore, facilitate private adoptions in countries where all children are considered "legitimate," it should not adversely affect the rights of natural fathers. Rather it will restore flexibility to the visa process and permit adoption and visa decisions to be made on the basis of all relevant facts, rather than predetermined by the happenstance of whether local law regards the child as "legitimate" or "illegitimate." The interests of the natural father will be protected in a variety of ways. First, as is already the case with "illegitimate" children, the "sole parent" provision will not be available in the case of a children born out of wedlock unless the father has "disappeared or abandoned or deserted the child or . . . has in writing irrevocably released the child for emigration and adoption." (INA Section 101(b)(2).) The consular officer will have to apply this standard in deciding whether the required visa can be issued under the "sole parent" provision. In addition, the INA contemplates that U.S. parents adopting a foreign child will either adopt the child abroad or comply with preadoption requirements and then adopt the child in the United States. Under either scenario, the foreign country's adoption and/or emigration procedures will presumably ensure that any rights of the natural father under foreign law are respected.

I hope this information is useful to you, and that you will support early consideration of the legislation.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 457

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

SECTION 1. DEFINITION OF CHILD.

Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "legitimate child" and inserting "child born in wedlock"; and

(B) in subparagraph (D), by striking "an illegitimate child" and inserting "a child born out of wedlock"; and

(2) in paragraph (2), by striking "an illegitimate child" and inserting "a child born out of wedlock".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

NATIONAL CHILDREN'S ISLAND ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1508) to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park, as amended.

The Clerk read as follows:

H.R. 1508

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 "National Children's Island Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "plat" means the plat filed in the Office of the Surveyor of the District of Columbia under S.O. 92-252.

(2) The term "District" means the District of Columbia.

(3) The term "Islands" means Heritage Island and all of that portion of Kingman Island located south of Benning Road and within the District of Columbia and the Anacostia River, being a portion of United States Reservation 343, Section F, as specified and legally described on the Survey.

(4) The term "National Children's Island" means a cultural, educational, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10-110.

(5) The term "playground" means the children's playground that is part of National Children's Island and includes all lands on the Islands located south of East Capitol Street.

(6) The term "recreation park" means the cultural, educational, and family-oriented recreation park that is part of National Children's Island.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "Survey" means the ALTA/ACSM Land Title Survey prepared by Dewberry & Davis and dated February 12, 1994.

SEC. 3. PROPERTY TRANSFER.

(a) TRANSFER OF TITLE.—In order to facilitate the construction, development, and operation of National Children's Island, the Secretary shall, not later than six months after the date of enactment of this Act and subject to this Act, transfer by quitclaim deed, without consideration, to the District all right, title, and interest of the United States in and to the Islands. Unbudgeted actual costs incurred by the Secretary for such transfer shall be borne by the District. The District may seek reimbursement from any third party for such costs.

(b) GRANT OF EASEMENTS.—(1) The Secretary shall, not later than six months after the date of enactment of this Act, grant, without consideration, to the District, permanent easements across the waterways and bed of the Anacostia River as described in the Survey as Leased Riverbed Areas A, B, C, and D, and across the shoreline of the Anacostia River as depicted on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252.

(2) Easements granted under paragraph (1) shall run with the land and shall be for the purposes of—

(A) constructing, reconstructing, maintaining, operating, and otherwise using only such bridges, roads, and other improvements as are necessary or desirable for vehicular and pedestrian egress and ingress to and from the Islands and which satisfy the District Building Code and applicable safety requirements;

(B) installing, reinstalling, maintaining, and operating utility transmission corridors, including (but not limited to) all necessary electricity, water, sewer, gas, necessary or desirable for the construction, reconstruction, maintenance, and operation of the Islands and any and all improvements located thereon from time to time; and

(C) constructing, reconstructing, maintaining, operating, and otherwise providing necessary informational kiosk, ticketing booth, and security for the Islands.

(3) Easements granted under paragraph (1) shall be assignable by the District to any lessee,

sublessee, or operator, or any combination thereof, of the Islands.

(c) **DEVELOPMENT.**—The development of National Children's Island shall proceed as specified in paragraph 3 of the legend on the plat or as otherwise authorized by the District by agreement, lease, resolution, appropriate executive action, or otherwise.

(d) **REVERSION.**—(1) The transfer under subsection (a) and the grant of easements under subsection (b) shall be subject to the condition that the Islands only be used for the purposes of National Children's Island. Title in the property transferred under subsection (a) and the easements granted under subsection (b), shall revert to the United States 60 days after the date on which the Secretary provides written notice of the reversion to the District based on the Secretary's determination, which shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures), that one of the following has occurred:

(A) Failure to commence improvements in the recreational park within the earlier of—

(i) three years after building permits are obtained for construction of such improvements; or
(ii) four years after title has been transferred, as provided in subsection (a).

(B) Failure to commence operation of the recreation park within the earlier of—

(i) five years after building permits are obtained for construction of such improvements; or
(ii) seven years after title has been transferred, as provided in subsection (a).

(C) After completion of construction and commencement of operation, the abandonment or non-use of the recreation park for a period of two years.

(D) After completion of construction and commencement of operation, conversion of the Islands to a use other than that specified in this Act or conversion to a parking use not in accordance with section 4(b).

(2) The periods referred to in paragraph (1) shall be extended during the pendency of any lawsuit which seeks to enjoin the development or operation of National Children's Island or the administrative process leading to such development or operation.

(3) Following any reconveyance or reversion to the National Park Service, any and all claims and judgments arising during the period the District holds title to the Islands, the playground, and premises shall remain the responsibility of the District, and such reconveyance or reversion shall extinguish any and all leases, rights or privileges to the Islands and the playground granted by the District.

(4) The District shall require any nongovernmental entity authorized to construct, develop, and operate National Children's Island to establish an escrow fund, post a surety bond, provide a letter of credit or otherwise provide such security for the benefit of the National Park Service, substantially equivalent to that specified in paragraph 11 of the legend on the plat, to serve as the sole source of funding for restoration of the recreation park to a condition suitable for National Park Service purposes (namely, the removal of all buildings and grading, seeding and landscaping of the recreation park) upon reversion of the property. If, on the date which is two years from the date of reversion of the property, the National Park Service has not commenced restoration or is not diligently proceeding with such restoration, any amount in the escrow fund shall be distributed to such nongovernmental entity.

SEC. 4. PROVISIONS RELATING TO LANDS TRANSFERRED AND EASEMENTS GRANTED.

(a) **PLAYGROUND.**—Operation of the recreation park may only commence simultaneously with or subsequent to improvement and opening of a children's playground at National Children's Island that is available to the public free of charge. The playground shall only include those improvements traditionally or ordinarily included in a publicly maintained children's play-

ground. Operation of the recreation park is at all times dependent on the continued maintenance of the children's playground.

(b) **PUBLIC PARKING.**—Public parking on the Islands is prohibited, except for handicapped parking, emergency and government vehicles, and parking related to constructing, and servicing National Children's Island.

(c) **REQUIRED APPROVALS.**—Before construction commences, the final design plans for the recreation park and playground, and all related structures, including bridges and roads, are subject to the review and approval of the National Capital Planning Commission and of the District of Columbia in accordance with the Children's Island Development Plan Act of 1993 (D.C. Act 10-110). The District of Columbia shall carry out its review of this project in full compliance with all applicable provisions of the National Environmental Policy Act of 1969.

SEC. 5. EFFECT OF PROPERTY TRANSFER.

(a) **EFFECT OF PROPERTY TRANSFER.**—Upon the transfer of the Islands to the District pursuant to this Act:

(1) The Transfer of Jurisdiction concerning the Islands from the National Park Service to the District dated February 1993, as set out on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252 and as approved by the Council of the District by Resolution 10-91, shall become null and void and of no further force and effect, except for the references in this Act to paragraphs 3 and 11 of the legend on the plat.

(2) The Islands shall no longer be considered to be part of Anacostia Park and shall not be considered to be within the park system of the District; therefore, the provisions of section 2 of the Act entitled "An Act to vest in the Commissioners of the District of Columbia control of street parking in said District", approved July 1, 1898 (ch. 543, 30 Stat. 570; D.C. Code 8-104), shall not apply to the Islands, and the District shall have exclusive charge and control over the Islands and easements transferred.

(3) The Islands shall cease to be a reservation, park, or public grounds of the United States for the purposes of the Act of August 24, 1912 (ch. 355, 37 Stat. 444; 40 U.S.C. 68; 8-128 D.C. Code).

(b) **USE OF CERTAIN LANDS FOR PARKING AND OTHER PURPOSES.**—Notwithstanding any other provision of law, the District is hereby authorized to grant via appropriate instrument to a nongovernmental individual or entity any and all of its rights to use the lands currently being leased by the United States to the District pursuant to the District of Columbia Stadium Act of 1957 (Public Law 85-300, September 7, 1957, 71 Stat. 619) for parking facilities (and necessary informational kiosk, ticketing booth, and security) as the Mayor of the District in his discretion may determine necessary or appropriate in connection with or in support of National Children's Island.

SEC. 6. SAVINGS PROVISIONS.

No provision of this Act shall be construed—
(1) as an express or implied endorsement or approval by the Congress of any such construction, development, or operation of National Children's Island;

(2) except as provided in section 5, to exempt the recreational park and playground from the laws of the United States or the District, including laws relating to the environment, health, and safety; or

(3) to prevent additional conditions on the National Children's Island development or operation to mitigate adverse impacts on adjacent residential neighborhoods and park lands and the Anacostia River.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in support of H.R. 1508, the National Children's Island Act of 1995, introduced by Delegate ELEANOR HOLMES NORTON of the District of Columbia.

Mr. Speaker, this is a good bill, which transfers title of the manmade Kingman and Heritage Islands in the Anacostia River, from the United States to the District of Columbia, for the purpose of establishing a cultural, educational, and family-oriented theme park. While this is not the normal manner of transferring land between the Federal Government and the District, I support this title transfer because it offers the best chance for the National Children's Island Foundation to realize their vision. It has been my experience that Federal agencies do not handle either land exchanges or transfers in a very efficient manner. For that very reason, we are currently working on legislation in my subcommittee to make the administrative process more efficient.

The project which this legislation helps facilitate offers important economic opportunity to the District of Columbia. It has been estimated that development of National Children's Island will create over 1,700 full and part-time jobs and generate \$8.9 million in annual sales tax revenue. This bill represents a tremendous opportunity to develop a project on lands which are currently being used to dump construction rubble.

As always, Ms. NORTON has done a good job of working with her various constituencies on this legislation and I believe that the bill, as amended, addresses the concerns of all interested parties, except those looking for an excuse to stop the project. Therefore, I commend the bill to my colleagues and ask for their support for H.R. 1508.

□ 1415

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

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, the distinguished author of this bill, who has worked very hard and fashioned this bill with the chairman today.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, may I express my sincere appreciation to Chairman JIM HANSEN of the Subcommittee on National Parks, Forests, and Lands, Subcommittee Ranking Member BILL RICHARDSON, Resources Committee Chairman DON YOUNG, and Ranking Member GEORGE MILLER for moving this bill through the Resources Committee in an expeditious manner. On April 6,

1995, I introduced H.R. 1508, the National Children's Island Act of 1995, at the request of the District of Columbia. This bipartisan bill calls for the transfer of Heritage and a portion of Kingman Islands, currently an artificial landfill and dumpsite, from the National Park Service to the District for the purposes of creating a cultural, educational, and family-oriented park. This is the essential initial step in a process that, by law, will require other local and Federal review steps before the project proceeds.

The District is pressing this legislation at this time of local financial crisis. The park will create 1700 new full and part-time jobs, 51.1 percent of which will go to District residents. Likewise, the park will generate approximately \$8.9 million in annual sales tax revenues, and earmark a share of its revenues for educational grants, scholarships and other programs for District youth and businesses.

The city council approved this project by a vote of 11 to 1. The project is fully privately funded with no cost to the District or the Federal Governments. As a result of improvements made in committee, a Federal level environmental impact statement in compliance with the National Environmental Policy Act will be conducted with review and approval by the National Capitol Planning Commission.

Again, I thank the Resources Committee for its bipartisan leadership in bringing this bill to the floor today, and urge all Members of the House to support the bill.

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

Mr. Speaker, H.R. 1508 is a complicated measure that shows that land transfers are not simple matters. Numerous changes and refinements were made to the bill in an attempt to deal with the concerns of the many parties to this legislation. I want to commend the chairman and the gentlewoman from the District of Columbia [Ms. NORTON] for arriving at what I consider to be a suitable compromise.

There is still some concern about this bill within the local community, but I do think that what the bill now has, through the compromise worked out by the chairman and the gentlewoman, is to make sure that there is local input, community input throughout this process on the zoning permitting actions of the District government.

The amendment in the nature of a substitute adopted by the committee incorporates several of the amendments that I wanted to see included in the bill. We should be careful about negating previous agreements and making moot a current court order, both of which this legislation does.

However, the bill's requirement for approval of the development plans by the National Capitol Planning Commission and the preparation of a Federal EIS by the D.C. government does

go a long way in protecting the public interest. I would note that the gentlewoman from the District of Columbia [Ms. NORTON], who represents the area in question, wants to see this legislation move forward. She has worked very hard on this. She has put forth some constructive proposals to develop this land as a recreational area for children and the general public.

This property is currently used as a leaf and stump dumping site. Given this history and present use. I want to make sure that we pass this bill, give the District government the opportunity to manage the site, subject to some of the constructive safeguards in the bill protecting the public interest.

I urge strong support for this legislation, and once again commend the gentlewoman from District of Columbia [Ms. NORTON], who represents zealously the interests of her constituents, and my good friend, most of the time, the gentleman from Utah [Mr. HANSEN].

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 1508, the National Children's Island Act. Ms. ELEANOR HOLMES NORTON, the Delegate from the District of Columbia and the author of this legislation, is to be commended for her strong advocacy of this project. Her role in shepherding this legislation through the 104th Congress shows the importance of skillful advocacy in behalf of worthwhile legislation.

The act is of significance for three reasons. First, it is a splendid example of how the Republicans of the 104th Congress are working together with the District of Columbia to make our Nation's Capital a more attractive place to live, work, and visit. This act transfers property from the National Park Service to the District of Columbia. This transfer has the effect of making the city the lead agency for the development of this property. This is the way Congress should relate to the city. It is not prudent for Congress to be deeply involved in the details of the development of Children's Island. The city, working together with the private sector, is fully capable of bringing this project to a timely and successful completion.

This project is also significant because of the way Congress has handled it internally. This legislation deals with the transfer of National Park Service property. It is entirely proper that the Resources Committee had primary jurisdiction over H.R. 1508. I want to commend the work of both the Subcommittee on National Parks, Forests, and Lands under the able leadership of Mr. HANSEN and the full Resources Committee under the able leadership of Mr. YOUNG. Their outstanding work made it possible for the Government Reform and Oversight Committee to waive jurisdiction over this bill. By waiving jurisdiction, this project will be able to go forward in a timely manner without any prejudice to the Federal interest. I would also like to point out that in past Congresses the former District of Columbia Committee examined this issue. I have found no opposition to this legislation among members of the former Committee.

Finally, I think it is fitting that we pass this legislation and enable this project on the first day of the White House Conference on Travel and Tourism. This conference points to the importance of the tourist industry for our Nation generally and our capital region specifically. Tourism is crucial to the economic well being of the entire Washington Metropolitan Area. Tourism is the number one private sector employer in the District of Columbia and is sec-

ond only to the Government itself as an employer. As the Federal Government continues to shrink it is vital that we do what we can in both the Congress and the executive branch to boost the region's economic development in areas outside Government. The Republicans of the 104th Congress working with Democrats in Congress and the city have already taken significant steps to strengthen tourism as a regional industry. We approved legislation which enabled the city to proceed with the new MCI Center at Gallery Place and to plan for a new convention center. The Children's Island project is another example of the positive partnership we are establishing. Once again, I want to commend the able leadership Ms. NORTON has shown on this project.

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

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

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS IN COASTAL BARRIER RESOURCES SYSTEM MAP

Mr. TORKILDSEN. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2005, to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System.

The Clerk read as follows:

H.R. 2005

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

SECTION 1. CORRECTION TO MAP.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary—

(1) to move on that map the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) to ensure that on that map the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled Fire Island Unit NY-59P.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from