

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 470

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

**SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.**

[Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4157) is amended—

[(1) by striking “The establishment” and all that follows through the period at the end and inserting the following:

[(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.”; and

[(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

[(2) EXCEPTION.—Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.]

**SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.**

*Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, as amended is amended to read as follows:*

*“(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—*

*“(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.*

*“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.*

Mr. SARBANES. Mr. President, this year marks the 40th anniversary of the March on Washington—a turning point in the struggle for civil rights for all Americans—and I am pleased that the Senate today has passed S. 470, a bill I introduced on February 27, 2003. This important legislation extends the authority for the memorial to Dr. Martin Luther King, Jr., to be constructed in the District of Columbia close to the spot from which Dr. King delivered his moving “I Have a Dream” speech at the March on Washington. I would like to thank the Senate for moving so expeditiously on S. 470—legislation that is crucial to ensure a fitting tribute to our Nation’s greatest civil rights leader.

In the 104th Congress, Congress passed a bill that I sponsored authorizing the creation of a memorial to Dr. King as part of the omnibus parks legislation. The Alpha Phi Alpha Fraternity, of which Dr. King was a member, was designed to coordinate the design and funding of the memorial. The legislation provides that the monument be established entirely with private contributions. The Department of Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, has approved the site of the memorial pursuant to this legislation. A design has been selected and the Alpha Phi Alpha National Memorial Project Foundation is in the process of getting that design approved by the Department of the Interior.

Pursuant to the Commemorative Works Act, there is a 7-year period of legislative authority in which the National Memorial Project Foundation must acquire a construction permit for the memorial. This 7-year period will expire in November of this year. Despite the enormous dedication of the National Memorial Project Foundation, additional time is necessary for the Foundation to erect a fitting tribute to Dr. King. Meeting the administrative procedures and fundraising requirements of the act has been a slow process. Therefore, the foundation requires more time in which to complete the process and acquire a construction permit.

That is why I and Congresswoman DIANE WATSON in the House of Representatives introduced this legislation to extend the period of legislative authority for an additional 3 years. This legislation gives the foundation additional time to raise the necessary funds to obtain the construction permit and will ensure that work on the memorial is completed. This extension of legislative authority has been done before for numerous other memorials, such as the World War II Memorial and the U.S. Air Force Memorial, given the length of time it usually takes to embark on a project of this magnitude, and I am pleased that it will be done for the Martin Luther King, Jr. Memorial.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of non-violence reawakened our Nation to the injustice and discrimination that continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

A memorial to Dr. King erected in the Nation’s Capital will provide continuing inspiration to all who view it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is more that needs to be done in this critical area.

Martin Luther King, Jr. dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. It is my hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even very fundamental change,

is to be achieved through nonviolent means; that this is the path down which we should go as a Nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Forty years ago Dr. King declared “I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.” We must not let future generations forget the power of these words, and the importance of Dr. King’s dream. The passage of S. 470 will ensure that work on the Martin Luther King, Jr. Memorial is completed, and that Dr. King’s legacy will live on.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 470), as amended, was read the third time and passed.

**LAND CONVEYANCE IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA**

The Senate proceeded to consider the bill (S. 490) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 490

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

**SECTION 1. WASHOE TRIBE LAND CONVEYANCE.**

[(a) FINDINGS.—Congress finds that—

[(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the “Tribe”) included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

[(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

[(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

[(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

[(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

[(b)] (a) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

[(c)] (b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

[(d)] (c) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

[(e)] (d) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The committee amendments were agreed to.

The bill (S. 490), as amended, was read the third time and passed, as follows:

S. 490

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

**SECTION 1. WASHOE TRIBE LAND CONVEYANCE.**

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(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

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(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

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(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

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(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

**BUFFALO SOLDIERS  
COMMEMORATION ACT OF 2003**

The Senate proceeded to consider the bill (S. 499) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 499

*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 “Buffalo Soldier Commemoration Act of 2003”.]

**[SEC. 2. FINDINGS.]**

[Congress finds that—

[(1) the 9th and 10th Cavalry regiments and the 24th and 25th Infantry regiments, comprised of African-American soldiers referred to as “Buffalo Soldiers”, performed outstanding service to the United States during—

[(A) the Indian Wars;

[(B) the Spanish-American War;

[(C) the Philippine Insurrection; and

[(D) the raids against Poncho Villa;

[(2) in recognition of the contributions of the Buffalo Soldiers to the defense of the United States, soldiers in the 9th and 10th Cavalry regiments were awarded 20 individual Congressional Medals of Honor;

[(3) the Buffalo Soldiers established a rich tradition of professional African-American soldiers in the United States Army by granting a commission—

[(A) in the 10th Cavalry regiment, to the first African-American professional officer; and

[(B) in the 9th Cavalry regiment, to the first African-American graduates of West Point;

[(4) while the Buffalo Soldiers served the United States with bravery and fortitude in the harshest environments and under the most difficult conditions, the service of the Buffalo Soldiers has not been sufficiently memorialized;

[(5) the Buffalo Soldiers remain emblems of the work of free men in defense of the United States and should be recognized for their contributions; and

[(6) because 2 of the 4 African-American regiments were organized in the State of Louisiana and were initially comprised of recruits from the city of New Orleans, the State of Louisiana is an appropriate place to establish a memorial to recognize the contributions of the Buffalo Soldiers.

**[SEC. 3. DEFINITIONS.]**

[In this Act:

[(1) BUFFALO SOLDIER.—The term “Buffalo Soldier” means an African-American soldier that served in—

[(A) the 9th Cavalry regiment;

[(B) the 10th Cavalry regiment;

[(C) the 24th infantry regiment; or

[(D) the 25th infantry regiment.

[(2) CITY.—The term “city” means the city of New Orleans, Louisiana.

[(3) COMMISSION.—The term “Commission” means the American Battle Monuments Commission.

[(4) FUND.—The term “Fund” means the Buffalo Soldier Memorial Fund established by section 5(a).

[(5) MEMORIAL.—The term “memorial” means the memorial established under section 4(a).

[(6) MUSEUM.—The term “museum” means the Louisiana State Museum in the State.

[(7) STATE.—The term “State” means the State of Louisiana.

**[SEC. 4. ESTABLISHMENT OF MEMORIAL.]**

[(a) IN GENERAL.—The Commission may establish a memorial to honor the Buffalo Soldiers—

[(1) on Federal land in the city or its environs; or

[(2) on land donated by the city or the State.