

Mr. Speaker, the bill is supported by the majority and minority of the committee as well as the administration.

Mr. Speaker, I urge adoption of the bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, October 1, 2004.

Hon. JOE BARTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Washington,  
DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4667, a bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project. I agree that the Committee on Energy and Commerce has a jurisdictional interest in H.R. 4667, and that by not insisting upon your referral of the bill, you do not compromise your jurisdictional claim. I will also support your request to be named as a conferee on this bill or the similar Senate bill, S. 2319 should one become necessary.

It is indeed our intention to consider S. 2319, which is being held at the desk in the House. To clarify the committee jurisdiction over this matter, I will place your letter and my response in the Congressional Record under the extension of remark authority granted during consideration of S. 2319.

Thank you again for your cooperation on this issue.

Sincerely,

RICHARD W. POMBO,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 30, 2004.

Hon. RICHARD W. POMBO,  
Chairman, Committee on Resources, House of  
Representatives,  
Longworth House Office Building, Washington,  
DC.

DEAR CHAIRMAN POMBO: On September 15, 2004, the Committee on Resources ordered reported H.R. 4667, a bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project. Upon introduction, this bill was also referred to the Committee on Energy and Commerce, and was subsequently ordered reported by the Committee today. S. 2319, which is the companion legislation to H.R. 4667, is currently being held at the desk in the House. I understand that it is your intention to consider S. 2319 rather than H.R. 4667 in the House.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over the bill.

I request that you include this letter and your response as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

JOE BARTON,  
Chairman.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN) to add his remarks on Senate 2319.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Nevada (Mr. GIBBONS) for yielding me time.

Mr. Speaker, I rise today to encourage the House to approve S. 2319 which was first introduced by my Tennessee colleague, Senator LAMAR ALEXANDER.

Simply put, S. 2319 is a jobs bill that will keep 2,000 jobs through a land exchange between the ALCOA Corporation and the Great Smoky Mountains National Park.

This bill ratifies an agreement between ALCOA and a large number of Tennessee and North Carolina State and local officials, Federal agencies and nonprofit conservation groups.

Specifically, this bill allows the relicensing of the Tapoco Project, an ALCOA-owned-and-operated hydroelectric project that is federally licensed under the Federal Power Act.

Originally licensed in 1955, the Tapoco Project was constructed on the Little Tennessee and Cheoah Rivers. It contains more than 8,000 acres that are located between nearly 10,000 acres of lands owned by ALCOA, the Great Smoky Mountains National Park, and the Cherokee and Nantahala National Forests.

Senate bill 2319 creates a legal barrier that prevents the relicensing of the Tapoco Project because a portion of the Chilhowee Reservoir floods four side streams containing approximately 100 acres of land within the authorized boundary of the Great Smoky Mountains National Park. Although these lands were included within the park when it was created in 1926, the Federal Government decided for financial reasons not to acquire flooding rights that were then held by ALCOA's corporate predecessor.

However, the Federal Power Act and the 1926 Great Smoky Mountains National Park law each prohibit the licensing of hydroelectric projects inside the park. Thus, it appears the Tapoco Project was erroneously licensed in 1955 to include four areas flooded by Chilhowee Dam.

Although ALCOA owns valid property rights to flood these lands, FERC does not have the legal authority to issue a new license. Under Senate bill 2319, the Park Service and ALCOA will exchange lands to correct this 50-year-old mistake and allow FERC to relicense the Tapoco Project.

Specifically, the bill directs the Secretary of Interior to acquire 189 acres of ecologically valuable lands located within the authorized boundaries of the park, in exchange for 100 acres of land located within the park and the Tapoco Project. This is a net gain of 89 acres for the park.

The legislation also authorizes the Secretaries of Interior and Agriculture to adjust the boundaries of the park and adjacent U.S. forests and accept the lands that are expected to be transferred by ALCOA to a nonprofit organization and subsequently by the nonprofit organization to the Federal Government.

In conclusion, without this legislation, ALCOA would no longer be able to provide power for its operations in

East Tennessee and would be forced to halt its operations. This would be a major blow to 2,000 hardworking families in my district and an annual economic loss of over \$400 million to a region that already has lost thousands of jobs overseas.

Mr. Speaker, I urge passage of this bill. I especially thank my colleague in the other body, Senator ALEXANDER, for his work on this legislation. I thank my friend and colleague, the gentleman from Nevada (Mr. GIBBONS) for so graciously yielding me this time.

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

Mr. Speaker, we have reviewed Senate 2319 and have no objection to its passage today. I join the ranking member, the gentleman from West Virginia (Mr. RAHALL), in congratulating the gentleman from Tennessee (Mr. DUNCAN) on his efforts on behalf of this legislation and the Tapoco Project.

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

Mr. GIBBONS. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2319.

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

A motion to reconsider was laid on the table.

#### EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CON- VEYANCE ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate 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, as amended.

The Clerk read as follows:

S. 1521

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

#### 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  $\frac{1}{4}$  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"; and

(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 non-governmental 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 substan-

tial amendments (including any increase of more than 20 percent in the cost estimates for implementation) 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 nonexisting 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.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1521.

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

There was no objection.

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

Mr. Speaker, Senate 1521, introduced by the Assistant Democratic Leader of the Senate, Senator REID of Nevada, would direct the Secretary of the Interior to convey public land currently managed by the Bureau of Land Management in Pahrump, Nevada, to the Edward H. McDaniel American Legion Post No. 22, for the construction of a post building and memorial park for use by the American Legion, and other veterans' groups, and the local community.

The bill was subsequently amended by the Committee on Resources where six additional titles were added. However, four of the six additional titles contained language that has once passed this House, and would simply make technical changes to seven existing National Heritage Areas and one Heritage Trail Route.

□ 1430

Focusing then on the two remaining titles, title VI would temporarily set a royalty rate reduction upon the quantity or gross value of sodium compounds and related products at point of shipment to market from Federal lands over the next 5 years. It would also instruct the Secretary of the Interior to report to Congress on the effects of such royalty reduction, as well as to provide a recommendation of whether the reduced royalty rate should apply following the end of the 5-year period.

This is taken from the gentlewoman from Wyoming's (Mrs. CUBIN's) bill, H.R. 4625, which has passed the House already.

Similarly, title VII provides for a 5-year royalty rate reduction upon the quantity or gross value of potassium compounds from the mineral sylvite at point of shipment to market from Federal lands over the next 5 years. As under the previous title, the Secretary of the Interior would again be required

to recommend to Congress whether the reduced royalty rate should continue after the 5-year period. This is taken from H.R. 4984 authorized by the gentleman from New Mexico (Mr. PEARCE).

Mr. Speaker, Senate bill 1521, as amended, is supported by the majority and the minority of the Committee on Resources. I urge adoption of the bill.

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

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

The legislation we are considering is sponsored by Nevada Senator HARRY REID. Both Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL) and myself have become very much aware of the bipartisan efforts among the Nevada delegation to secure public lands for various causes.

This is another one of those situations, and while we do not always agree with a particular Nevada land bill, when we can, we are always pleased to be of some of some small service to the distinguished senator.

As a member of the American Legion Auxiliary myself, I am always pleased to support any bill that is done on behalf of the American Legion. As such, we have no objections to passing Senate 1521, as amended by the House.

Mr. Speaker, I have no further speakers on this legislation, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further speakers on S. 1521, would urge adoption of the bill, and I yield back the balance of my time.

The **SPEAKER** pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1521, as amended.

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

The title of the Senate bill was amended so as to read: “A bill 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.”

A motion to reconsider was laid on the table.

#### **LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004**

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4593) to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes, as amended.

The Clerk read as follows: