

Committee on Aging be authorized to meet Wednesday, May 19, 2004 from 2:30 p.m.–5 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

#### SUBCOMMITTEE ON WATER AND POWER

Mr. GREGG. Mr. President, I ask unanimous consent that the subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 19th, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 900, a bill to convey the Lower Yellowstone Irrigation Project, the savage unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; S. 1876, a bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin Project; S. 2243, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; H.R. 1648, a bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley water district and the Montecito water district; and H.R. 1732, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, TX, Water Recycling and Reuse Project, and for other purposes.

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

#### PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Elizabeth Prescott, a fellow in my office, be granted the privilege of the floor during consideration of this legislation.

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

Mr. REID. Mr. President, I ask unanimous consent that Bod Adebo of Senator BINGHAM's office be given the privilege of the floor during the pendency of S. 2400.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Matt Hiester, a legislative fellow in my office, be given floor privileges for the purpose of morning business.

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

#### SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

Mr. FRIST. Mr. President, I want to discuss with the Democratic leader an approach that might enable us to move forward to conference on S. 1072, the 6-year reauthorization of our Nation's surface transportation laws.

While I am proud of the bipartisan agreements reached by the bill's managers that got us to this point, much work still remains, and it is important that we start as soon as possible.

There are significant differences with the House bill, so this is likely going to be a challenging process. I want to make sure all Senators know it is unrealistic to expect the House will agree with all our provisions and that we will likely have to make significant changes to S. 1072. But as we make those changes, we should make them together.

The transportation bill we passed this year was a model of bipartisan cooperation that was marked by good faith on both sides. That is the essence of the agreement I am proposing, a commitment from both sides that they will work in good faith in conference to get the best possible result. I have spoken to Senator INHOFE, who will chair the conference. He has agreed he will not pursue a conclusion to the conference, nor sign any conference report that would alter the text of S. 1072 in a way that undermines the bipartisan working relationship that has existed in the Senate.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for his leadership. I have discussed this with my colleagues and can commit wholeheartedly to the good-faith process he has proposed. Our side understands that changes will have to be made, and we are not entering this process demanding a specific outcome on any provision. Instead, we are asking any changes to S. 1072 be the result of the mutual agreement of the lead Senate conferees acting in good faith.

By moving S. 1072 through the Senate, Senators INHOFE, BOND, JEFFORDS, and REID have already demonstrated they can make that process work. If the process should break down due to disagreements over either transportation policy or extraneous provisions, then we understand he and I will not bring such a conference report to the floor.

Mr. FRIST. That is correct, so long as the Democratic conferees are acting in good faith, and I have every expectation they will. Our goal is to reach a conference agreement that reflects the balance and broad bipartisan consensus S. 1072 achieves. That will be the test of good faith for both sides. I think we can do that, and we will not bring a bill to the Senate floor if it does not reflect that commitment.

Mr. DASCHLE. Mr. President, I thank the leader again for his leader-

ship. He has agreement from our side, and we look forward to the successful conclusion of this important legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, with the addition of the amendment which is at the desk, be inserted in lieu thereof; the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 10.

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

The amendment (No. 3219) was agreed to, as follows:

#### AMENDMENT NO. 3219

On page 40, line 9, strike "\$50,000,000" and insert "\$60,000,000".

On page 83, line 10, strike "\$50,000,000" and insert "\$60,000,000".

On page 164, between lines 20 and 21, insert the following:

“(3) MITIGATION IN CLOSED BASINS.—

“(A) IN GENERAL.—A State may use amounts deposited in the State fund for projects to protect existing roadways from anticipated flooding of a closed basin lake, including—

“(i) construction—

“(I) necessary for the continuation of roadway services and the impoundment of water, as the State determines to be appropriate; or

“(II) for a grade raise to permanently restore a roadway the use of which is lost or reduced, or could be lost or reduced, as a result of an actual or predicted water level that is within 3 feet of causing inundation of the roadway in a closed lake basin;

“(ii) monitoring, studies, evaluations, design, or preliminary engineering relating to construction; and

“(iii) monitoring and evaluations relating to proposed construction.

“(B) REIMBURSEMENT.—The Secretary may permit a State that expends funds under subparagraph (A) to be reimbursed for the expenditures through the use of amounts made available under section 125(c)(1).

On page 407, strike lines 3 through 8 and insert the following:

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking

The bill (H.R. 3550), as amended, was read the third time and passed.

#### THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 439 through 454, en bloc.

The PRESIDING OFFICER. Is there objection to consideration of the bills en bloc?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments to S. 1848 and H.R. 417, which are at the desk, be agreed to; all committee amendments, where applicable,

be agreed to; the bills, as amended, if amended, be read the third time and passed; the motions to reconsider be laid upon the table en bloc; the title amendment to S. 1167 be withdrawn; and that any statements relating to the bills be printed in the RECORD.

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

#### ALBUQUERQUE BIOLOGICAL PARK TITLE CLARIFICATION ACT

The Senate proceeded to consider the bill (S. 213) to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

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

S. 213

*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 "Albuquerque Biological Park Title Clarification Act".

#### [SEC. 2. FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds that:

[(1) In 1997, the City of Albuquerque, New Mexico paid \$3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

[(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

[(3) In 2000, the United States claimed title to Tingley Beach and San Gabriel Park by asserting that these properties were transferred to the United States in the 1950's as part of the establishment of the Middle Rio Grande Project.

[(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the United States claim of title to these properties.

[(5) The United States claim of ownership over the Middle Rio Grande Project properties is disputed by the City and MRGCD in Rio Grande Silvery Minnow v. John W. Keys, III, No. CV 99-1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

[(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Bureau of Reclamation and the United States in administering the Middle Rio Grande Project.

[(b) PURPOSE.—The purpose of this Act is to direct]

#### SEC. 2. PURPOSE.

*The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.*

#### SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Albuquerque, New Mexico.

(2) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New

Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(4) SAN GABRIEL PARK.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) TINGLEY BEACH.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

#### SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

#### SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99-1320 JP/RLP-ACE, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

The committee amendment was agreed to.

The bill (S. 213), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### FORT DONELSON NATIONAL BATTLEFIELD EXPANSION ACT OF 2003

The Senate proceeded to consider the bill (S. 524) to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other pur-

poses, 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. 524

*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 "Fort Donelson National Battlefield Expansion Act of 2003".

#### [SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.

[(a) DESIGNATION; PURPOSE.—There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

[(1) the Battle of Fort Donelson in February 1862; and

[(2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

[(b) BOUNDARIES.—The Fort Donelson National Battlefield shall consist of the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled "\_\_\_\_\_," numbered \_\_\_\_\_, and dated \_\_\_\_.

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

[(c) EXPANSION OF BOUNDARIES.—The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.

#### [SEC. 3 LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.

[(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

[(b) LAND ELIGIBLE FOR ACQUISITION.—The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—

[(1) within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and

[(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

[(c) BOUNDARY REVISION.—Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

[(d) LIMITATION ON TOTAL ACREAGE OF PARK.—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.