

Mexico (Mr. BINGAMAN) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 168

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 168, a bill to reauthorize additional contract authority for States with Indian reservations.

S. 186

At the request of Mr. ALLARD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. WYDEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

S. 187

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004.

S. CON. RES. 7

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

S. RES. 18

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Res. 18, a resolution commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland.

At the request of Mr. TALENT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. Res. 18, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS:

S. 203. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the “Soda Ash Royalty Reduction Act of 2005,” a bill to limit the Federal royalty on soda ash. This legislation, if passed, will put people back to work in my State and address the important issue of maintaining a strong and financially sound manufacturing base in this country. It will keep jobs in America and give

workers a fighting chance to compete globally.

The State of Wyoming accounts for 85 percent of the natural soda ash produced in the United States. The health of the domestic soda ash industry is now at issue. This legislation goes a long way towards assisting the domestic industry to be competitive on a global basis.

The bill reduces an excessive tax on natural American soda ash; a tax that is significantly impairing the ability of U.S. exported soda ash to compete in important global markets; a tax that has helped create 30 percent decline in employment in this industry in Wyoming since 1997. The current 6 percent royalty on each ton of domestically produced soda ash was imposed in 1995 at a time when our exports of this important commodity, primarily used in the manufacture of glass were rising to record levels. It was a windfall tax that recognized the industry’s significant expansion.

Over the last decade, export growth has been severely impacted, as several trading partners erected various barriers to U.S. soda ash, often to protect their own less efficient domestic producers. One of the most aggressive countries has been China. As recently as 1990, China imported over one million tons of soda ash annually from the U.S. Today, China exports two million tons from plants that produce a synthetic grade of this important commodity.

The Chinese produce soda ash in far less efficient factories with limited attention to environmental or safety concerns. The average wage of a Chinese worker in these plants is less than \$5 a day. By contrast Wyoming soda ash workers can earn on average \$35 an hour. Chinese soda ash producers, which are largely state owned, also benefit from direct and indirect forms of state support, as well as the benefits of a fixed exchange rate. As a result of these actions, China has supplanted the United States as the world’s largest exporter of soda ash.

Wyoming soda ash producers remain the most efficient in the world and have been constantly improving their productivity over the last several years. It is an industry that is reinventing itself to meet the demands of fierce global competition.

My legislation restores the original royalty the Federal Government imposed on soda ash in the Mineral Leasing Act of 1920. That act set a 2 percent royalty on soda ash mined on Federal leases. We would temporarily resume that royalty rate consistent with the Federal Land Policy and Management Act of 1976 that requires the Secretary of the Interior to receive “fair market value” for the use of public lands and their resources. In other words, the legislation simply adjusts what was a windfall tax back to its original level.

The legislation is overdue and keeps our Nation’s commitment to U.S. based manufacturing and jobs. The U.S. soda

ash industry has been a good partner with the Federal Government, providing additional revenue when business was flourishing. Now that the industry is fighting for its survival, the Federal Government has the opportunity to be a responsible partner and ease its tax burden so it can survive and provide the thousands of jobs that are so important to my State.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 204. A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator VITTER, to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation. It would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

This legislation, which has been passed by the full Senate 3 times, once during the 107th Congress and twice during the 108th Congress, would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America’s largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partially flow into the Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized “local coordinating entity.” The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working at the Louisiana Department of Culture, Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create

the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process, with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concept behind heritage areas. The heritage area concept has been used successfully in various parts of our Nation to promote historic preservation, natural and cultural resource protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area will join the Cane River National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while at the same time not losing anything that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the National Park Service and U.S. Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is today. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more

and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history, but it is also critical to understanding America's future. The name of the place itself, Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious, dynamic, multi-cultural, enchanting, bountiful, threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand and witness the complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Atchafalaya a penchant for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of fish; crustaceans, such as crawfish; wildlife, including alligators; an astonishing array of well over 200 species of birds, from waterfowl to songbirds; forest-dwelling mammals such as deer, squirrel, beaver and other commercially important furbearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. The Basin also forms part of the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding wading birds, such as herons, egrets, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every winter.

The region's dynamic system of waterways, geology, and massive earthen guide levees reveals a landscape that is

at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing environment have drastically depleted many of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Corps of Engineers should develop an intricate system of levees to protect human settlements, particularly New Orleans. Today, the Mississippi River is caged within the walls of earthen and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the center of the Basin. In times of flooding the river basin serves as the key floodway in controlling floodwaters headed for the large population centers of Baton Rouge and New Orleans by diverting water from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land started forming off the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. These vast amounts of Mississippi River sediment are also rapidly filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize that just to the East of the Delta, Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the Basin. Residents have profited from and been imperiled by nature. The popular cultural identity of the region is strongly associated with the Cajuns, descendants of the French-speaking Acadians who settled in south Louisiana after being deported by the British from Nova Scotia, formerly known as Acadia. Twenty-five hundred to three

thousand exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society. Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identity and continue to display a distinctive set of cultural expressions nearly 250 years after their exile from Acadia. Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as etouffee, boudin, andouille, crepes, beignets and sauces thickened with roux, delight food lovers well beyond Louisiana's borders. Cajun music has also "gone mainstream" with its blend of French folk songs and ballads and instrumental dance music, and more recently popular country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region's residents are concerned about the growing commercialization and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, there is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many years. A long legacy of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our Nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike any place else. Ethnic groups of the Atchafalaya include: African-Americans, Black Creoles, Asians, Chinese, Filipinos, Vietnamese, Lebanese, Cajuns, Spanish Islenos, Italians, Scotch-Irish, and American Indian tribes such as the Attakapa, Chitimacha, Coushatta, Houma, Opelousa and Tunica-Biloxi.

This heritage area has a wealth of existing cultural, historic, natural, scenic, recreational and visitor resources on which to build. Scenic resources include numerous State Wildlife Management Areas and National Wildlife Refuges, as well as ten designated state scenic byways that fall partially or entirely within the heritage area. The Office of State Parks operates three historic sites in the heritage area, and numerous historic districts and buildings can be found in the region. There are also nine Main Street communities in the heritage area. Outdoor recreational resources include two State Parks and a multitude of waterways and bayous. Hunting, fishing, boating, and canoeing, and more recently birdwatching and cycling, are popular ways to experience the region. Various visitor at-

tractions, interpretive centers and visitor information centers exist to help residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area's central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry servicing the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas.

These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that this most special of places certainly deserves.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 204

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 "Atchafalaya National Heritage Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **HERITAGE AREA.**—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 3(a).

(2) **LOCAL COORDINATING ENTITY.**—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 3(c).

(3) **MANAGEMENT PLAN.**—The term "management plan" means the management plan for the Heritage Area developed under section 5.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means the State of Louisiana.

SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Atchafalaya National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) **COMPOSITION.**—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) **AUTHORITIES.**—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

- (1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;
- (2) hire and compensate staff; and
- (3) enter into contracts for goods and services.

(b) **DUTIES.**—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) **ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) **CONTENTS.**—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the

management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) **REVISION.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 6. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent to the management entity for such preservation, conservation, or promotion.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 7. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 8. EFFECT OF ACT.

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 9. REPORTS.

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 205. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, One Hundred and Thirty Nine years ago, before the term Homeland Security was even coined, a group of men devoted themselves to securing the frontiers of this Nation. They protected Americans in their homes; they deterred hostile invaders, and they secured the bless-

ings of liberty for a young country. Even more remarkable, they secured these blessings for others, while they could not fully enjoy them themselves.

I am referring to the Buffalo Soldiers. These brave men instituted a tradition of professional military service for African Americans that spans the greater part of American history. African American military service is as old as our nation. There were black soldiers during the revolution, a unit of free black men played a pivotal role in the Battle of New Orleans, and the exploits of African Americans during the Civil War have been captured in novels and on film. However, it was not until the Army Reorganization Act of 1866 that soldiering and service to country became a realistic option for African Americans seeking to improve their quality of life. In so doing, they raised the bar of freedom, and revealed the injustice of preventing the defenders of democracy from fully participating in it.

The City of New Orleans, and the State of Louisiana have a rich history. They have given more than their fair share of sons to the service of our Nation. Much of this history is commemorated throughout the State. Yet, these great sons of New Orleans remain unacknowledged in their home. For in Louisiana's great military tradition, surely one of its greatest military contributions were the 9th Cavalry Regiment and the 25th Infantry Regiment.

These two forces, recruited and organized in New Orleans, represent half of all the units of buffalo soldiers. The 9th Cavalry alone constituted 10% of all the American cavalry. Their list of adversaries reads like a who's who of the Old West—Geronimo, Sitting Bull, Poncho Villa. In movies, when settlers encounter Apaches, the cavalry always comes to the rescue. Yet how many times were the cavalry that rode over the horizon African American? Of course, the reality is that the Buffalo Soldiers comprised some of our nations most capable and loyal troops. Despite suffering the worst deprivations known to any American soldiers of the period, they had the lowest desertion rates in the Army. The 9th Cavalry was awarded 10 Congressional Medals of Honor, including a native Louisianan, Sgt. Emanuel Stance—a farmer from Carroll Parish.

For these reasons, I am offering legislation today along with Senator VITTER that would authorize the creation of a suitable memorial in New Orleans for these gallant soldiers. There is an excellent statue to the Buffalo Soldiers at Fort Leavenworth, KS. It commemorates the 10th Cavalry Regiment stationed there. However, I believe that these men deserve to be recognized in their home city. Furthermore, it should be in an a location where thousands of visitors will have the opportunity to come to appreciate the legacy of the Buffalo Soldiers. I believe that the City of New Orleans is the perfect location.

We have made a number of changes to this legislation after consultations with the American Battle Monuments Commission. I believe these changes should address any concerns that they have expressed. Furthermore, we have an able and dedicated organization of individuals in the state who desperately want to see this project to completion. Last year, I had the pleasure of being in New Orleans with another of this Nation's great military heroes, Senator DANIEL INOUE. We addressed a group of distinguished veterans from all around the state. Among them was George Jones, President of the Greater New Orleans Chapter of the Buffalo Soldiers Association. They have been working with Eddie Dixon, the artist for the beautiful Fort Leavenworth statute, to develop an appropriate memorial in the City of New Orleans for over a decade. This bill will fulfill that noble ambition.

This Nation has sadly found the need to say thank you to its servicemen and women after the fact on more than one occasion. Unfortunately, this is another. We are fortunate to have living memories of the 9th and 10th Cavalry Regiments today. The regiments were not disbanded until the conclusion of World War Two, where they served with distinction. We should take this opportunity to honor these veterans, and in so doing, honor the principles of liberty, freedom and democracy for which they fought and sacrificed. They have given so much to their nation, we owe them this public expression of gratitude.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 205

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 Soldiers Commemoration Act of 2005".

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.

(c) COOPERATIVE AGREEMENTS.—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account ("account") to

pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

(c) USE OF ACCOUNT.—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mrs. MURRAY, and Mr. SMITH):

S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the "Ice Age Floods National Geologic Trail Designation Act of 2005". I am thankful that Senator LARRY CRAIG of Idaho will again be the lead Republican cosponsor and pleased to also be joined by the Senior Senator from Washington, (Mrs. MURRAY), as well as Senator from Oregon, (Mr. SMITH).

Some 12,000 to 17,000 years ago, at the end of the Ice Age, a series of floods swept across the Pacific Northwest. These epic floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees, buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

Creating a National Park Service trail to recognize and celebrate how these floods literally shaped the face of our State will provide an unparalleled educational resource for Washingtonians and visitors from across the country. It will also spur economic development and create jobs in local communities across Eastern and Central Washington.

I look forward to working with my other members of the Pacific Northwest congressional delegation, as well as my colleagues in the Senate, to ensure swift passage of this important legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 206

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 "Ice Age Floods National Geologic Trail Designation Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cata-

clysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(2) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(3) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(A) to recognize the national significance of this phenomenon; and

(B) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(b) PURPOSE.—The purpose of this Act is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ICE AGE FLOODS; FLOODS.—The term "Ice Age floods" or "floods" means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake in Missoula, Montana.

(2) PLAN.—The term "plan" means the cooperative management and interpretation plan authorized under section 5(f).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRAIL.—The term "Trail" means the Ice Age Floods National Geologic Trail designated by section 4(a).

SEC. 4. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(b) LOCATION.—

(1) MAP.—The route of the Trail shall be generally depicted on the map entitled "Ice Age Floods National Geologic Trail," numbered _____, and dated _____.

(2) ROUTE.—The route shall generally follow public roads and highways—

(A) from the vicinity of Missoula in western Montana;

(B) across northern Idaho;

(C) through eastern and southern sections of Washington;

(D) across northern Oregon in the vicinity of the Willamette Valley and the Columbia River; and

(E) to the Pacific Ocean.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(c) MAP AVAILABILITY.—Any map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this Act.

(b) **TRAIL MANAGEMENT OFFICE.**—In order for the National Park Service to manage the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office within the vicinity of the Trail.

(c) **LAND ACQUISITION.**—

(1) **IN GENERAL.**—If the acquisition is consistent with the plan, the Secretary may acquire land, in a quantity not to exceed 25 acres, for administrative and public information purposes to facilitate the geographic diversity of the Trail throughout the States of Montana, Idaho, Washington, and Oregon.

(2) **METHODS.**—

(A) **PRIVATE LAND.**—Private land may be acquired from a willing seller under this Act only by donation, purchase with donated or appropriated funds, or exchange.

(B) **NON-FEDERAL PUBLIC LAND.**—Non-Federal public land may be acquired from a willing seller under this Act—

(i) only by donation or exchange; and
(ii) after consultation with the affected unit of local government.

(d) **INTERPRETIVE FACILITIES.**—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or nonprofit entities and are consistent with the plan.

(e) **INTERAGENCY TECHNICAL COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall establish an interagency technical committee to advise the trail management office on the technical planning for the development of the plan.

(2) **COMPOSITION.**—The committee—

(A) shall include—
(i) representatives from Federal, State, local, and tribal agencies with interests in the floods; and
(ii) representatives from the Ice Age Floods Institute; and

(B) may include private property owners, business owners, and nonprofit organizations.

(f) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after funds are made available to carry out this Act under section 6, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(2) **CONSULTATION.**—The Secretary shall prepare the plan in consultation with—

(A) State, local, and tribal governments;
(B) the Ice Age Floods Institute;
(C) private property owners; and
(D) other interested parties.

(3) **CONTENTS.**—The plan shall—

(A) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled "Ice Age Floods, Study of Alternatives and Environmental Assessment" (February 2001) by—

(i) locating features more accurately;
(ii) improving the description of features; and
(iii) reevaluating the features in terms of their interpretive potential;

(B) review and, if appropriate, modify the map of the Trail referred to in section 4(b);

(C) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(D) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(g) **COOPERATIVE MANAGEMENT.**—

(1) **IN GENERAL.**—In order to facilitate the development of coordinated interpretation,

education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(l)).

(2) **UNIT OF NATIONAL PARK SYSTEM.**—For purposes of this subsection, the Trail shall be considered a unit of the National Park System.

(h) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with public or private entities to carry out this Act.

(i) **EFFECT ON PRIVATE PROPERTY RIGHTS.**—Nothing in this Act—

(1) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(j) **LIABILITY.**—Designation of the Trail by section 4(a) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, of which not more than \$500,000 may be used for each fiscal year for the administration of the Trail.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator VITTER, to introduce the Jean Lafitte National Historic Park and Preserve Boundary Adjustment Act of 2005. This bill was passed unanimously by the Senate during the 108th Congress.

The Jean Lafitte National Historical Park and Preserve was established in 1978 to preserve for present and future generations significant examples of the rich natural and cultural resources of Louisiana's Mississippi delta region. The park seeks to illustrate the influence of environment and history on the development of a unique regional culture. It is named for Jean Lafitte who was a pirate, or privateer as he like to be called, that fought alongside U.S. forces in the Battle of New Orleans at the end of the War of 1812. The park consists of six physically separate sites and a park headquarters located in New Orleans. The sites in Lafayette, Thibodaux and Eunice interpret the Acadian culture of the area. The Barataria Preserve, in Marrero, interprets the natural and cultural history of the uplands, swamps and marshlands of the region. Six miles southeast of New Orleans is the Chalmette Battlefield and National Cemetery, site of the

1815 Battle of New Orleans and the final resting place for soldiers from the Civil War, Spanish-American War, World Wars I and II and Vietnam. The park's visitor center, which is located in the historic French Quarter, interprets the history of New Orleans and diverse cultures of Mississippi delta region.

It is the Barataria site that is the focus of our attention today. The Bill before us would merely adjust the boundary of the Barataria preserve unit of Jean Lafitte National Historical Park and Preserve and by doing so protect a crucial component of one of the largest and most productive expanses of coastal wetlands in North America—coastal Louisiana or as they are known: America's Wetlands. The Barataria preserve is the only part of our coastal wetlands preserved in the National Park System. As we strive to find ways to stem the tide of coastal erosion in Louisiana, and bring about the restoration of wetlands already lost, it is equally important that we protect those areas that remain such as the Barataria preserve so that Americans can experience, first hand, the amazing beauty and fertility of Louisiana's bountiful coastal wetlands—the most threatened wetland ecosystem in the country—disappearing at a rate of 25 to 35 square miles a year. Located on the outskirts of New Orleans, where it is accessible not only to the people of New Orleans but also to the millions of tourists from around the world that visit New Orleans and south Louisiana, Barataria serves as an interpretive experience of this greatest of coastal wetlands.

This bill expands this national treasure without any cost to the Federal Government while preserving private property rights. It simply transfers to the Park over 3,000 acres of wetlands already in Federal ownership, already paid for by the American people. These lands, which are adjacent to the Preserve, became Federal as a result of the settlement by the Justice Department of two lawsuits brought by the landowners against Federal agencies. However, because these acres are not managed by the park, they are presently unavailable for public use. An Act of Congress is necessary to allow inclusion of these lands into a new boundary.

My bill does just that, opening these lands for canoeing, wildlife viewing, exploration, fishing, and hunting, all under the management and protection of the park service. The bill grants long-term protection to crucial resources that the Park Service has found suitable and feasible for inclusion within a new boundary through a 1996 boundary study.

The Park is immediately adjacent to the developed areas of the Westbank of Jefferson Parish along much of its boundary while the Barataria unit in particular is right next door to a hurricane levee. Making more of the park boundary contiguous with the levee

that divides developed land from undeveloped wetlands enhances opportunities for direct cooperation between these communities and the Park for management of shared concerns. These concerns include the routing of storm-water run-off; the discharge of treated sewage; estuarine water quality and its effects on fisheries and recreational uses; wetland restoration and mitigation; and a number of other problems and opportunities. The Park has worked with Jefferson Parish in seeking creative solutions to these problems and will continue to do so. The addition of these properties will only enhance their chances for success.

It is for all of these reasons that I am hopeful the Senate can approve of this measure in the near future. The expansion we seek in this Bill benefits us today as well as tomorrow.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 207

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 “Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2005”.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “23,000 acres generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100, and dated August 2002.”

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—With respect to the areas on the map identified as ‘Bayou aux Carpes Addition’ and ‘CIT Tract Addition’—

“(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

“(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) EASEMENTS.—Any Federal land in the area identified on the map as ‘CIT Tract Addition’ that is transferred under clause (i)(I)

shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”;

(B) in the second sentence, by striking “The Secretary may also” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”;

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.”; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “the Secretary”.

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(2) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

By Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH):

S. 208. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, my colleagues Senators DEWINE and VOINOVICH of Ohio, Senator STABENOW of Michigan, and I are pleased to introduce the Great Lakes Water Quality Indicators and Monitoring Act. The bill

directs the Environmental Protection Agency to develop indicators of Great Lakes water quality and related environmental factors and a comprehensive network to monitor those indicators. This bill will result in science-based assessments of the health of the Great Lakes.

The Great Lakes are a treasured natural resource. The Great Lakes contain almost 20% of the world’s fresh water, and millions of people in the Great Lakes basin rely on the lakes for drinking water, for economic livelihoods such as fishing and shipping, and for recreational opportunities, including swimming and boating. Unfortunately, the Great Lakes have suffered from decades of toxic discharges, urban and agricultural runoff, and other environmental challenges. We’ve made some progress in improving water quality, but we know we have a long way to go.

The stewards of the lakes—at the Federal, State, and local levels—use a variety of methods to determine the health of the Great Lakes and whether they are improving. For example, the EPA and the Fish and Wildlife Service monitor the accumulation of chemicals in Great Lakes fish. The National Oceanic and Atmospheric Administration detects changes in the ecosystem from space-based satellites and waterborne buoys. The U.S. Geological Survey samples stream flow and quality, and the States inspect for compliance with water quality standards. These efforts to collect scientific data are largely voluntary and suffer from a lack of funding and coordination. Additionally, they use inconsistent methods that often produce incompatible results.

In 2004, the General Accounting Office released a report entitled Great Lakes: An Overall Strategy and Indicators for Measuring Progress are Needed to Better Achieve Restoration Goals. The GAO looked at almost 200 Federal and State programs and found that a lack of coordination, poorly defined goals, and insufficient data make it difficult to evaluate the success of these programs. The GAO found that there are no data collected regularly throughout the Great Lakes, and that the existing data are inadequate to determine whether water quality and other environmental conditions are improving.

In 1990, I authored the Great Lakes Critical Programs Act, which strengthened the water quality standards in the Great Lakes region. In 2002, Congress passed the Great Lakes Legacy Act, to speed the cleanup of contaminated bottom sediment. Today, we need to establish a way to evaluate the impact of these and similar measures. To show results, we need science-based indicators of water quality and related environmental factors, and we need to monitor those indicators regularly throughout the ecosystem.

GAO recommends that EPA’s Great Lakes National Program Office lead an

effort to develop indicators and a monitoring network. Our bill gives that office the mandate to work with other Federal agencies and Canada to identify and measure water quality and other environmental factors on a regular basis. The initial set of data collected through this network will serve as a benchmark against which to measure future improvements. Those measurements will help us make decisions on how to steer future restoration efforts. With a clear picture of how the Great Lakes are changing, we can change course when needed and spend public funds on the most effective measures to meet the most pressing demands.

This bill serves a second purpose—it provides EPA with dedicated funding to make sure that data collection can begin in a timely manner and be carried out consistently and comprehensively.

I encourage my colleagues to support this bill and help speed its passage.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):

S. 209. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am reintroducing today a bill that was on the legislative calendar of the 108th Congress when it adjourned in December. The Stabilization and Reconstruction Civilian Management Act is intended to build operational readiness in the civilian agencies to improve our nation's capacity to carry out post-conflict stabilization and reconstruction missions.

Until very recently, the concept of "nation building" was considered to be pejorative by many Members of Congress and government officials. The foreign policy orthodoxy of both parties was skeptical of missions that entailed long-term peacekeeping or stabilization commitments. If military force was necessary, most policymakers believed it should be used only for relatively brief periods followed by rapid withdrawal.

But experience has taught us that this approach rarely can be accommodated if we are serious about protecting our own security in an age of terrorism. We have seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons technology. If we are to deny sanctuaries to terrorists, we must be involved in post-conflict stabilization.

With this in mind, the Foreign Relations Committee took up the issue of how best to organize and prepare for post-conflict missions. Well over a year ago, we held our first bipartisan roundtable that brought together some of the best minds from inside and outside of government to consider this issue. From this process, we developed the

Stabilization and Reconstruction Civilian Management Act of 2004. I introduced this legislation with Senators BIDEN and HAGEL, and the Committee passed it unanimously. The purpose of our bill is to establish a more robust civilian capability to respond quickly and effectively to post-conflict situations or other complex emergencies. The bill puts the State Department at the center of the civilian reconstruction and stabilization effort, while coordination between State and Defense would continue at the NSC level.

The Defense Science Board (DSB), which recently recommended a similar strengthening of stabilization and reconstruction capacity in the Defense Department, endorsed our legislation. On January 26, I introduced S. 192, new legislation that took the DSB recommendations and provided the executive branch the necessary authorities to carry them out. It calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as to support the development of core competencies in other departments and agencies, principally the Department of State. The bill has been referred to the Senate Armed Service Committee for that Committee's consideration.

While recognizing the critical challenges that our military has undertaken with skill and courage in both Afghanistan and Iraq, we must acknowledge that certain non-security missions will be better served in the future by a more organized civilian response. Our post-conflict efforts frequently have had a higher than necessary military profile. This is not the result of a Pentagon power grab or institutional fights. Rather, the military has led post-conflict operations primarily because it is the only agency capable of mobilizing sufficient personnel and resources for these tasks. As a consequence, military resources have been stretched and deployments of military personnel have been extended beyond expectations. If we can improve the capabilities of the civilian agencies, they can take over many of the non-security missions that have burdened the military.

In re-introducing the Stabilization and Reconstruction Civilian Management Act" in the 109th Congress, I am well aware of the impact it has already had on both the debate on this issue and developments to date. In fact, some initiatives contained in the legislation have moved forward without its having been enacted. My Senate colleagues on the Foreign Operations Appropriations Subcommittee agreed with the need to provide an emergency conflict response fund for stabilization and reconstruction crises. And the Commerce, Justice, State appropriators in both the Senate and the House agreed with the need to establish a new office at the State Department to take the lead in organizing our civilian ef-

forts. Indeed, an Office of Reconstruction and Stabilization has now been organized and a highly capable coordinator named. At her confirmation hearings, Dr. Rice demonstrated detailed knowledge of the Office and its work. I am confident that she has already embraced the Department's role as a core mission and will work to support the Office with appropriate funding and the kind of Department-wide backing and support from management that it will need to do its job.

So why continue to pursue the legislation? It is still important to seek enactment because the legislation provides a permanent basis in law for the established office as well as new authorities that the Department will need to be successful.

The Bush Administration's action on this issue demonstrates its ability to recalibrate policy and organization to address a changing world. We know that the President will continue to provide leadership in organizing the U.S. government for this mission. As demonstrated by the Senate Foreign Relations Committee vote of 19-0, and by actions taken by the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Senate Subcommittee on Foreign Operations, there is significant support in the Congress for his work and for the foresight he is already demonstrating.

The new Office, headed by Carlos Pascual, is doing a government-wide inventory of the civilian assets that might be available for stabilization and reconstruction tasks. It is also pursuing an idea proposed in our bill of a Readiness Reserve to enable rapid mobilization of post-conflict stabilization personnel. It will work closely with the Secretary to assist in the coordination of policy, the preparation and management of response, and in developing cooperative arrangements with foreign countries, international and regional organizations, nongovernmental organizations, and private sector organizations.

I am hopeful that the Office also will develop the concept of a 250-person active duty Response Readiness Corps that is contained in the legislation. In Army terms, that is less than a small battalion of well-trained people—a modest but vigorous force-multiplier that would greatly improve our nation's stabilization capacity. This Corps would be composed of State Department and USAID employees who have the experience and technical skills to manage stabilization and reconstruction tasks in a hostile environment.

Secretary Rice has been one of the most enthusiastic supporters of enhancing standing civilian capacity to respond to post conflict situations. In answer to one of my questions during the confirmation process, she said: "Creating a strong U.S. Government stabilization and reconstruction capacity is an Administration national security priority."

She asserted that "experience has shown that we must have the capacity to manage 2 to 3 stabilization and reconstruction operations concurrently. That means [we need] staff in Washington and in the field to manage and deliver quality programs."

Dr. Rice is prepared to make the State Department an effective inter-agency leader as it should be—in post-conflict operations. I look forward to working closely with her on this effort. I consider this new mission to be one of the most important long-term defenses that the State Department can mount against future acts of terrorism.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. NELSON of Nebraska, Mr. BURR, Ms. STABENOW, Mr. HAGEL, Ms. CANTWELL, Mr. LUGAR, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LAUTENBERG, Mr. LEVIN, Ms. LANDRIEU, Mrs. MURRAY, Mrs. BOXER, Mr. BAYH, Mr. INOUE, and Mr. BENNETT):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I rise today to introduce the calling for a 2-1-1 Act with my colleague Senator ELIZABETH DOLE. This bill will make an invaluable difference for the citizens of New York and the country.

Just last week I was in Rochester helping to launch a 2-1-1 call center that will serve the citizens of the Finger Lakes region of New York. This call center will provide a simple, efficient, and convenient way for individuals to obtain vital information about government services. It is the first step in an ambitious plan to provide 365 day, 24 hour 2-1-1 service throughout all of New York, and ultimately, the entire country.

The Calling for 2-1-1 Act, which I am introducing today, will create at least one 2-1-1 call center just like the one in Rochester in every state in the country, and will link every regional call center together to ensure State-wide coverage. Last Congress, 31 members of the Senate and 149 members of the House of Representatives co-sponsored the Calling for 2-1-1 Act. In the 109th, we are working to appeal to even more.

The best part of the 2-1-1 system is that it is equally available to everyone. From the mother whose child is about to go off to war, to the veteran returning from service, 2-1-1 will help people access the information they need when they need it. It helps teens who are in crisis and young mothers who have nowhere else to turn. Single mothers trying to find a job in a tough economy, frail senior citizens who need help with transportation but have no family or friends to call, and substance-abusing teens who in a moment of lucidity de-

cide to seek a way out can all find what they need by dialing 2-1-1.

This number also helps people who want to give back to their communities. 2-1-1 provides lots of information about volunteer opportunities and helps direct people who want to give donations. At times of disaster, like the recent tsunami, 2-1-1 will be there to help get everyone the information they need to make sure their donations are directed effectively.

2-1-1 is not only good for New Yorkers; it is also good for our Nation's bottom line. 2-1-1 saves money because it eliminates duplicative services. The service will replace the existing maze of individual numbers for individual services: hotlines for shelter from abusive spouses, vaccinations for children, or information about where to obtain hospice services for ailing parents or loved ones. 2-1-1 will be a "one-stop shop" for all of these services. According to a recent study by the Ray Marshall Center for the Study of Human Resources at the University of Texas' Lyndon B. Johnson School of Public Affairs, 2-1-1 call centers can save as much as \$130 million in the first year of operation and as much as \$1.1 billion over ten years.

I would add that 2-1-1 saves lives. Every time someone calls 9-1-1 with a non-emergency call, the operators spend time with that caller that they could be spending dealing with a true emergency. 2-1-1 will replace 9-1-1 as the non-emergency point of reference because it is so easy to recall.

We learned on September 11th how important 2-1-1 can be. In the immediate aftermath of the disaster, most people did not know where to turn for information about their loved ones. Fortunately for those who knew about it, 2-1-1 was already operating in Connecticut during September 11th, and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2-1-1 provided locations of vigils and support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed help getting back on their feet. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. 90,000 people developed symptoms of post-traumatic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2-1-1 was there to help in Connecticut.

It wasn't available in far too many other areas, however. In fact, a Brookings Institution and Urban Institute study of the aftermath of September 11th found that many dislocated workers struggled to obtain available assistance. People "found it difficult to con-

nect with resources due to a social-services infrastructure that does not support a simple and efficient method for people to learn about and access services and for agencies to coordinate their activities."

And that is what 2-1-1 is all about. It provides a single, efficient, coordinated way for people who need help to connect with those who can provide it.

The Federal Communications Commission laid the groundwork for a 2-1-1 number in 2000 when it directed that telephone number to be reserved for information and referral to social and human-services agencies. The 2-1-1 system opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate non-profit and government agencies.

In Rochester, New York and throughout the Finger Lakes, 2-1-1 will do just that. Whatever the need, 2-1-1 can help point you in the right direction. That is why I am so pleased to be introducing this legislation today, and why I am so optimistic that this will be an important first step in the road to bringing 2-1-1 to communities throughout the Empire State and the entire U.S.A. Thank you.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 212. A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, in 2000 Congress established the Valles Caldera National Preserve, which is composed of approximately 89,000 acres of spectacular land in northern New Mexico. The Preserve was created to protect and preserve the region's values and to provide the public with opportunities for the multiple use and sustained yield of its resources.

Over the past 5 years, we have become aware of some simple changes in Federal policy that can be made to allow the Valles Caldera Trust and U.S. Forest Service to better address the issues facing the Valles Caldera Preserve. The bill that Senator BINGAMAN and I introduce today recognizes the need for those policy changes.

The bill does the following: (1) Eliminates the "willing seller basis" so the Secretary of Agriculture can purchase the outstanding mineral interests of the Valles Caldera; (2) requires the Valles Caldera Trust to better manage its obligations and expenditures; (3) expands the category of people who can solicit and accept donations on the Trust's behalf; (4) allows monies received from claims relating to the Preserve to be used for costs incurred by the Trust; (5) provides a rate of compensation for the chairman of the Trust; (6) authorizes the Trust to dispose of marketable renewable resources; and (7) requires the Secretary

of Agriculture to develop a fire safety plan for the Preserve.

These are not vast changes; nor should they be controversial. They will, however, make an important difference to one of New Mexico's most pristine wilderness areas that is appreciated by New Mexico's visitors and natives alike.

Because of the difference this legislation will make in New Mexico, I hope my colleagues will join with Senator BINGAMAN and me in approving the Valles Caldera Preservation Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 212

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 "Valles Caldera Preservation Act of 2005".

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(e)) is amended—

(1) by striking "The acquisition" and inserting the following:

"(1) IN GENERAL.—The acquisition";

(2) by striking "The Secretary" and inserting the following:

"(2) ACQUISITION.—The Secretary";

(3) by striking "on a willing seller basis";

(4) by striking "Any such" and inserting the following:

"(3) ADMINISTRATION.—Any such"; and

(5) by adding at the end the following:

"(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

"(5) DECLARATION OF TAKING.—

"(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

"(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code."

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(e)) is amended by adding at the end the following:

"(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

"(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

"(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid."

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(g)) is amended by striking "The Trust may solicit" and inserting "The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit".

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16

U.S.C. 698v-4(h)(1)) is amended by striking "subsection (g)" and inserting "subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999."

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v-5(e)) is amended—

(1) in paragraph (2), by striking "Trustees" and inserting "Except as provided in paragraph (3), trustees"; and

(2) in paragraph (3)—

(A) by striking "Trustees" and inserting the following:

"(A) SELECTION.—Trustees"; and

(B) by adding at the end the following:

"(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

"(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(c)(3)) is amended—

(1) in the first sentence, by striking "The Trust may not dispose" and inserting the following:

"(A) IN GENERAL.—The Trust may not dispose";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) MAXIMUM DURATION.—The Trust";

(3) in the last sentence, by striking "Any such" and inserting the following:

"(C) TERMINATION.—The"; and

(4) by adding at the end the following:

"(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources."

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

(3) by striking "At the request of the Trust" and all that follows through the end of the paragraph and inserting the following:

"(2) FIRE MANAGEMENT.—

"(A) NON-REIMBURSABLE SERVICES.—

"(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

"(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and non-emergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis."

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Senator DOMENICI to introduce legislation to allow a transfer of land to Rio Arriba County, NM from the Bureau of Land Management. The land is needed for County facilities, a cemetery for a local parish, and a new public school.

Rio Arriba County is in a difficult position; the needs of the rapidly increasing area population continue to increase but there is precious little land available to the County where they can locate necessary facilities. Fortunately, the County has worked with the BLM to find a parcel of land that each agrees will best serve the interests of the public if it is transferred to County ownership. Indeed, I am told that BLM would likely have handled this transfer administratively if they were not barred from doing so by the particular history of how this parcel came into federal ownership. I am unaware of any opposition to the transfer.

This bill will simply change the legal framework for the parcel so that the transfer can take place. I hope the Senate can act on this bill as quickly as possible so that Rio Arriba County can move forward to meet the pressing needs of the people there.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 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 "Rio Arriba County Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means the County of Rio Arriba, New Mexico.

(2) MAP.—The term "map" means the map entitled "Alcalde Proposed Land Transfer" and dated September 23, 2004.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO RIO ARRIBA COUNTY, NEW MEXICO.

(a) IN GENERAL.—Subject to subsection (c), not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the County, all right, title, and interest of the United States in and to the land (including any improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 150.86 acres of land located on

the Sebastian Martin Land Grant in the vicinity of Alcalde, Rio Arriba County, New Mexico, as depicted on the map.

(c) CONDITIONS.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be treated as public land for the purposes of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.)

(2) CONSIDERATION.—The amount of consideration for the conveyance of land under subsection (a) shall be determined by the Secretary consistent with section 2(a) of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869-1(a)).

(3) AGREEMENT.—Before conveying the land under subsection (a), the Secretary shall enter into an agreement with the County that indemnifies the United States from all liability of the United States arising from the land conveyed.

By Mr BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL):

S. 214. 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; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself, Senator DOMENICI and Senator KYL, I am pleased today to introduce the United States-Mexico Transboundary Aquifer Assessment Act. This legislation is intended to address the significant challenges concerning water resources that exist along the U.S.-Mexico border. Recognizing the importance of these issues to the States making up that border, New Mexico, Arizona, Texas, and California, the Senate passed this bill twice during the 108th Congress. With strong bipartisan, and now bicameral support, I hope we can act quickly to pass it once again so that it can be enacted into law at the earliest opportunity.

The genesis of this bill is a field hearing I conducted over three years ago during my tenure as the Chairman of the Energy and Natural Resources Committee. The focus of that hearing was water resource issues developing along the U.S.-Mexico border. In particular, I was concerned that issues regarding the availability of future water supplies were growing, and could lead to conflict in the region. The testimony at that hearing made clear that consensus is lacking on how communities in the border region will address their future water needs. Most significant, I was struck by the lack of agreement on the long-term viability of future groundwater sources, many of which involve aquifers underlying both the United States and Mexico. Given the rapid population growth along the border, and the corresponding increase in demand for potable water, there is a strong need to gain a common and detailed understanding of our shared groundwater resources. A science-based understanding of the resource is the first step to avoid conflicts similar to

the one arising in south Texas over Rio Grande water deliveries under the 1944 U.S.-Mexico treaty.

The United States-Mexico Transboundary Assessment Act is intended to address the lack of a binational consensus regarding water supplies along the border. It will do this by establishing a scientific program, involving the U.S. Geological Survey (USGS), Water Resources Research Institutes, and appropriate authorities and other entities on both sides of the border, to comprehensively assess priority transboundary aquifers. Ultimately, the information and scientific tools developed under the program will be extremely valuable to State and local water resource managers in the border region. Of particular note, the analysis will include a search for new sources of water such as saline aquifers. Continued development of desalination technologies may lead to significant use of this untapped resource in the near future.

I understand that establishing this scientific program and accurately assessing our shared water resources is just a step towards developing the long-term plans and solutions that will help avoid future international disputes concerning scarce water supplies. This small step, however, is an important one, and one with broad policy support. In its 6th Report on the U.S.-Mexico Border Environment, the Good Neighbor Environmental Board, an independent federal advisory committee managed by the U.S. Environmental Protection Agency, recommended the initiation of a “border-wide groundwater assessment program to systematically analyze priority transboundary aquifers.” Also, the Center for Strategic and International Studies, in a January 2003 report of its U.S.-Mexico Binational Council, included as one of its recommendations that Mexico and the United States “improve data collection, information gathering, and transparency as the first step to developing a long-term strategy for water management.”

Ultimately, an effective long-term strategy will have to be developed by the communities and other water users who reside along the border. Working with each other and their State water resource agencies, I believe successful strategies can be developed so long as the information upon which those plans are based is the most accurate possible. In that respect, the USGS, along with its State-based partners, have a strong and important role to play. The resources and criteria provided by this legislation will ensure that these organizations can fulfill that role which, in turn, will enhance the prospects of our border communities to be able to plan for their future in a manner ensuring their long-term viability and prosperity.

Thank you for the opportunity to make these remarks. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 214

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 “United States-Mexico Transboundary Aquifer Assessment Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term “aquifer” means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term “Border State” means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term “priority transboundary aquifer” means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term “program” means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) RESERVATION.—The term “reservation” means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term “transboundary aquifer” means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term “Tri-Regional Planning Group” means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term “water resources research institutes” means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and

other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources

research institutes and other Border State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$50,000,000 for the period of fiscal years 2006 through 2015.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

By Mr. INOUE:

S. 215. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized every 4 years since that time.

The Act provides authority for range of programs and services designed to improve the health care status of the Native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 21 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2000, Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 138 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 68 percent higher than the rate for the entire State, and the mortality rate for hypertension is 84 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 215

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 “Native Hawaiian Health Care Improvement Reauthorization Act of 2005”.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Native Hawaiian Health Care Improvement Act’.

“(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- "Sec. 1. Short title; table of contents.
- "Sec. 2. Findings.
- "Sec. 3. Definitions.
- "Sec. 4. Declaration of national Native Hawaiian health policy.
- "Sec. 5. Comprehensive health care master plan for Native Hawaiians.
- "Sec. 6. Functions of Papa Ola Lokahi and Office of Hawaiian Affairs.
- "Sec. 7. Native Hawaiian health care.
- "Sec. 8. Administrative grant for Papa Ola Lokahi.
- "Sec. 9. Administration of grants and contracts.
- "Sec. 10. Assignment of personnel.
- "Sec. 11. Native Hawaiian health scholarships and fellowships.
- "Sec. 12. Report.
- "Sec. 13. Use of Federal Government facilities and sources of supply.
- "Sec. 14. Demonstration projects of national significance.
- "Sec. 15. Rule of construction.
- "Sec. 16. Compliance with Budget Act.
- "Sec. 17. Severability.

"SEC. 2. FINDINGS.

"(a) GENERAL FINDINGS.—Congress finds that—

"(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the involvement of Native Hawaiians as healthy and well people;

"(2) Native Hawaiians—

"(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

"(B) have a distinct society that was first organized almost 2,000 years ago;

"(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

"(4) the long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

"(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

"(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

"(7) in referring to themselves, Native Hawaiians use the term 'Kanakā Maoli', a term frequently used in the 19th century to describe the native people of Hawaii;

"(8) the constitution and statutes of the State of Hawaii—

"(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

"(9) at the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

"(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

"(11) throughout the 19th century until 1893, the United States—

"(A) recognized the independence of the Hawaiian Nation;

"(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

"(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

"(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii;

"(13) in pursuance of that conspiracy—

"(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii; and

"(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii, in violation of—

"(i) treaties between the Government of Hawaii and the United States; and

"(ii) international law;

"(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

"(A) reported fully and accurately on those illegal actions;

"(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

"(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

"(15) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

"(16) in 1993, Congress enacted Public Law 103-150 (107 Stat. 1510), in which Congress—

"(A) acknowledged the significance of those events; and

"(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

"(17) in 1898, the United States—

"(A) annexed Hawaii through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawaii or the sovereign government of those people; and

"(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

"(18) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), Congress—

"(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

"(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes',

thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii;

"(19) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

"(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

"(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

"(20) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

"(A) to lease land within the extension to Native Hawaiians; and

"(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

"(21) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

"(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

"(22) under the Act referred to in paragraph (21), the United States—

"(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

"(23) in 1978, the people of Hawaii—

"(A) amended the constitution of Hawaii to establish the Office of Hawaiian Affairs; and

"(B) assigned to that Office the authority—

"(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

"(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

"(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

"(iv) to formulate policy on affairs relating to the Native Hawaiian people;

"(24) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawaii;

"(25) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of

Kaho'olawe to custodial management by the State in 1994;

"(26) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

"(27) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

"(28) health initiatives implemented by those and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

"(A) providing comprehensive disease prevention;

"(B) providing health promotion activities; and

"(C) increasing the number of Native Hawaiians in the health and allied health professions;

"(29) those accomplishments have been achieved through implementation of—

"(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100-579); and

"(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1948);

"(30) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(31) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

"(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

"(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100-322);

"(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

"(F) the Health Professions Reauthorization Act of 1988 (Public Law 100-607; 102 Stat. 3122);

"(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100-607; 102 Stat. 3153);

"(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100-630);

"(I) the Indian Health Care Amendments of 1988 (Public Law 100-713); and

"(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527);

"(32) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99-570);

"(33) in addition, the United States—

"(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawaii, are a unique population group in Hawaii and in the continental United States; and

"(B) has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999; and

"(34) despite the United States having expressed in Public Law 103-150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

"(A) the unmet health needs of the Native Hawaiian people remain severe; and

"(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

"(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

"(1) CHRONIC DISEASE AND ILLNESS.—

"(A) CANCER.—

"(i) IN GENERAL.—With respect to all cancer—

"(I) Native Hawaiians have the highest cancer mortality rates in the State (216.8 out of every 100,000 male residents and 191.6 out of every 100,000 female residents), rates that are 21 percent higher than the rate for the total State male population (179.0 out of every 100,000 residents) and 64 percent higher than the rate for the total State female population (117.0 per 100,000);

"(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, rectum, and colorectum, and for all cancers combined;

"(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, liver, pancreas, breast, corpus uteri, stomach, colon, and rectum, and for all cancers combined;

"(IV) Native Hawaiian males have 8.7 years of productive life lost as a result of cancer in the State, the highest years of productive life lost in that State, as compared with 6.4 years for all males; and

"(V) Native Hawaiian females have 8.2 years of productive life lost as a result of cancer in the State as compared with 6.4 years for all females in the State.

"(ii) BREAST CANCER.—With respect to breast cancer—

"(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 out of every 100,000 residents), a rate that is 33 percent higher than that for Caucasian Americans (23.07 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (14.96 out of every 100,000 residents); and

"(II) nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer (25.0 out of every 100,000 residents), behind African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).

"(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 out of every 100,000 residents), followed by Filipino Americans (2.69 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).

"(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which rates are higher than the rates for the total State population by 48 percent for males and 93 percent for females.

"(v) PROSTATE CANCER.—Native Hawaiian males have the third highest mortality rate as a result of prostate cancer in the State (21.48 out of every 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 out of every 100,000 residents).

"(B) DIABETES.—With respect to diabetes, in 2000—

"(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitus (38.8 out of every 100,000 residents) in the State, which rate is 138 percent higher than the statewide rate for all racial groups (16.3 out of every 100,000 residents); and

"(ii) full-blood Hawaiians had a mortality as a result of diabetes mellitus of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other racial groups.

"(C) ASTHMA.—With respect to asthma—

"(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State for those 18 years of age and younger, and 35 percent of all asthma cases reported; and

"(ii) in 1999, the Native Hawaiian prevalence rate for asthma was 129.6 out of every 1,000 residents, which was 69 percent higher than the rate for all others combined in the State (76.7 out of every 1,000 residents).

"(D) CIRCULATORY DISEASES.—

"(i) HEART DISEASE.—With respect to heart disease—

"(I) the mortality rate for Native Hawaiians as a result of heart disease (372.3 out of every 100,000 residents) is 68 percent higher than the rate for the entire State (221.9 out of every 100,000 residents); and

"(II) Native Hawaiian males have the greatest years of productive life lost in the State, because Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years as a result of heart disease, as compared with 7.5 years for all males, and 6.4 years for all females, in the State.

"(ii) HYPERTENSION.—With respect to hypertension—

"(I) the mortality rate for Native Hawaiians as a result of hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents);

"(II) Native Hawaiians have substantially higher prevalence rates of hypertension than—

"(aa) those observed statewide; and

"(bb) those of any other ethnic group in Hawaii; and

"(III) the prevalence rate of hypertension for Native Hawaiians is 37.9 percent, 11 percent higher than that for all others in the State (34.1 percent).

"(iii) STROKE.—The mortality rate for Native Hawaiians as a result of stroke (72.0 out of every 100,000 residents) is 20 percent higher than that for the entire State (60 out of every 100,000 residents).

"(2) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

"(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

"(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State.

"(3) INJURIES.—With respect to injuries—

"(A) the mortality rate for Native Hawaiians as a result of injuries (32.0 out of every 100,000 residents) is 16 percent higher than that for the entire State (27.5 out of every 100,000 residents);

“(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years of age resulting from injuries were Native Hawaiian; and

“(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

“(4) DENTAL HEALTH.—With respect to dental health—

“(A) Native Hawaiian children exhibit among the highest rates of dental caries in the United States, and the highest in the State as compared with the 5 other major ethnic groups in the State;

“(B) the average number of decayed or filled primary teeth for Native Hawaiian children aged 5 through 9 years was 4.3, as compared with 3.7 for all children in the State and 1.9 for all children in the United States; and

“(C) the proportion of Native Hawaiian children aged 5 through 12 years with unmet dental treatment needs (defined as having active dental caries requiring treatment) is 40 percent, as compared with 33 percent for all other racial groups in the State.

“(5) LIFE EXPECTANCY.—With respect to life expectancy—

“(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

“(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and

“(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years).

“(6) MATERNAL AND CHILD HEALTH.—

“(A) IN GENERAL.—With respect to maternal and child health, for 2000—

“(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian; and

“(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group.

“(B) PRENATAL CARE.—With respect to prenatal care—

“(i) as of 1998, Native Hawaiian women have the highest prevalence (24 percent) of having had no prenatal care during the first trimester of pregnancy, as compared with the 5 largest ethnic groups in the State;

“(ii) of the mothers in the State who received no prenatal care throughout their pregnancies in 1996, 44 percent were Native Hawaiian;

“(iii) more than 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and

“(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

“(C) BIRTHS.—With respect to births—

“(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers, a circumstance which statistics indicate puts infants at higher risk of low birth weight and infant mortality;

“(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (defined as a weight of less than 2,500 grams); and

“(iii) of all low birth weight infants born to single mothers in the State, 44 percent were Native Hawaiian.

“(D) TEEN PREGNANCIES.—With respect to births—

“(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals who were less than 18 years of age) births (8.1 percent), as compared with the rate for all other racial groups in the State (3.6 percent);

“(ii) in 1998, nearly 49 percent of all mothers in the State under 19 years of age were Native Hawaiian;

“(iii) in 1998, Native Hawaiians comprised 31 percent (1,425) of all live births to mothers with medical risk factors in the State (4,559); and

“(iv) lower rates of abortion (approximately 33 percent lower than for the statewide population) among Hawaiian women may account, in part, for that higher percentage of live births.

“(E) FETAL MORTALITY.—With respect to fetal mortality—

“(i) in 2000, Native Hawaiians had the highest number of fetal deaths in the State; and

“(ii) 21 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

“(II) 37 percent of those Native Hawaiian mothers were under the age of 25 years.

“(7) MENTAL HEALTH.—

“(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

“(i) Native Hawaiians represent 38 percent of the total admissions to substance abuse treatment programs funded by the Department of Health, Alcohol, Drugs and Other Drugs of the State;

“(ii) in 2000, the prevalence of cigarette smoking by Native Hawaiians was 31.0 percent, a rate that is 57 percent higher than that for the total population in the State, which is 19.7 percent;

“(iii) Native Hawaiians have the highest prevalence rate of acute alcohol drinking (19.6 percent), a rate that is 40 percent higher than that for the total population in the State;

“(iv) the chronic alcohol drinking rate among Native Hawaiians is 54 percent higher than that for all other racial groups in the State;

“(v) in 1991, 40 percent of Native Hawaiian adults surveyed reported having used marijuana, as compared with 30 percent for all other racial groups in the State; and

“(vi) 9 percent of the Native Hawaiian adults surveyed reported that they use or have used marijuana within the year preceding the survey, as compared with 6 percent for all other racial groups in the State.

“(B) CRIME.—With respect to crime—

“(i) in 1998, of the 7,789 arrests that were made for property crimes in the State, arrests of Native Hawaiians comprised 23 percent;

“(ii) Native Hawaiians comprised 40 percent of juvenile arrests in 1998, the largest percentage of all juvenile arrests in that year;

“(iii) in the period of 1996 through 1998, the overrepresentation of Native Hawaiian juvenile arrests for index crimes and Part II offenses increased by 6 percent and 2 percent, respectively;

“(iv) in 1998, Native Hawaiians represented 22 percent of the 2,423 adults arrested for drug-related offenses in the State;

“(v) Native Hawaiians are overrepresented in the prison population in the State;

“(vi) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age;

“(vii) in 1995 and 1996, Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared with 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;

“(viii) in 2002, Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared with 25 percent for Caucasian Americans, 12 percent for Filipino Americans, 6 percent for Japanese Americans, and 5 percent for Samoans; and

“(ix) based on anecdotal information from inmates at the Halawa Correction Facilities,

Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates in the State.

“(8) OBESITY.—Native Hawaiians have the highest prevalence rate of overweightness and obesity (69.4 percent), a rate that is 38 percent higher than that for the total State population (50.2 percent).

“(9) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

“(A)(i) Native Hawaiians who are at least 25 years of age have a comparable rate of high school completion as compared with all people in the State who are at least 25 years of age; but

“(ii) the rate of baccalaureate degree achievement among Native Hawaiians is 6.9 percent, which is less than the average in the State (15.76 percent);

“(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

“(C)(i) in fiscal year 1999, Native Hawaiians comprised—

“(I) 9 percent of those individuals who earned Bachelor's degrees;

“(II) 15 percent of those individuals who earned 2-year diplomas; and

“(III) 6 percent of those individuals who earned Master's degrees; and

“(ii) in 1997, Native Hawaiians comprised less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Health and Human Services.

“(2) DISEASE PREVENTION.—The term ‘disease prevention’ includes—

“(A) immunizations;

“(B) control of high blood pressure;

“(C) control of sexually transmittable diseases;

“(D) prevention and control of chronic diseases;

“(E) control of toxic agents;

“(F) occupational safety and health;

“(G) injury prevention;

“(H) fluoridation of water;

“(I) control of infectious agents; and

“(J) provision of mental health care.

“(3) HEALTH PROMOTION.—The term ‘health promotion’ includes—

“(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

“(B) cessation of tobacco smoking;

“(C) reduction in the misuse of alcohol and harmful illicit drugs;

“(D) improvement of nutrition;

“(E) improvement in physical fitness;

“(F) family planning;

“(G) control of stress;

“(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

“(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land (‘aina), water (wai), and ocean (kai)).

“(4) HEALTH SERVICE.—The term ‘health service’ means—

“(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;

“(B) a diagnostic laboratory or radiologic service;

“(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

“(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

“(E) a transportation service required for adequate patient care;

“(F) a preventive dental service;

“(G) a pharmaceutical and medicament service;

“(H) a mental health service, including a service provided by a psychologist or social worker;

“(I) a genetic counseling service;

“(J) a health administration service, including a service provided by a health program administrator;

“(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

“(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

“(M) a primary care service that may lead to specialty or tertiary care; and

“(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

“(5) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

“(A) genealogical records;

“(B) kama’aina witness verification from Native Hawaiian Kupuna (elders); or

“(C) birth records of the State or any other State or territory of the United States.

“(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term ‘Native Hawaiian health care system’ means any of up to 8 entities in the State that—

“(A) is organized under the laws of the State;

“(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

“(C) is a public or nonprofit private entity;

“(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

“(E) addresses the health care needs of an island’s Native Hawaiian population; and

“(F) is recognized by Papa Ola Lokahi—

“(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

“(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

“(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

“(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

“(7) NATIVE HAWAIIAN HEALTH CENTER.—The term ‘Native Hawaiian Health Center’ means any organization that is a primary health care provider that—

“(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

“(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

“(C) serves a patient population that—

“(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

“(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

“(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

“(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term ‘Native Hawaiian Health Task Force’ means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

“(9) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian organization’ means any organization that—

“(A) serves the interests of Native Hawaiians; and

“(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

“(ii) is a public or nonprofit private entity.

“(10) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the governmental entity that—

“(A) is established under article XII, sections 5 and 6, of the Hawaii State Constitution; and

“(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

“(11) PAPA OLA LOKAHI.—

“(A) IN GENERAL.—The term ‘Papa Ola Lokahi’ means an organization that—

“(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

“(ii) governed by a board the members of which may include representation from—

“(I) E Ola Mau;

“(II) the Office of Hawaiian Affairs;

“(III) Alu Like, Inc.;

“(IV) the University of Hawaii;

“(V) the Hawaii State Department of Health;

“(VI) the Native Hawaiian Health Task Force;

“(VII) the Hawaii State Primary Care Association;

“(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

“(IX) Ho’ola Lahui Hawaii, or a health care system serving the islands of Kaua’i or Ni’ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

“(X) Ke Ola Mamo, or a health care system serving the island of O’ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XI) Na Pu’uwai or a health care system serving the islands of Moloka’i or Lana’i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

“(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XIII) Hui Malama Ola Na ‘Oiwai, or a health care system serving the island of Hawaii (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

“(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

“(B) EXCLUSION.—The term ‘Papa Ola Lokahi’ does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

“(i) clearly-defined goals and objectives for the contributions the organization will make to—

“(I) Native Hawaiian health care systems; and

“(II) the national policy described in section 4; and

“(ii) an action plan for carrying out those goals and objectives.

“(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(13) STATE.—The term ‘State’ means the State of Hawaii.

“(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term ‘traditional Native Hawaiian healer’ means a practitioner—

“(A) who—

“(i) is of Native Hawaiian ancestry; and

“(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

“(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

“(i) direct practical association with Native Hawaiian elders; and

“(ii) oral traditions transmitted from generation to generation.

“SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

“(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

“(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

“(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

“(b) INTENT OF CONGRESS.—It is the intent of Congress that—

“(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

“(2) the United States—

“(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

“(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

“(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land (‘aina), water (wai), or ocean (kai);

“(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

“(iii) increasing the use of traditional Native Hawaiian foods in—

“(I) the diets and dietary preferences of people, including those of students; and

“(II) school feeding programs;

“(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

“(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

“(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

“(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

“(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

“SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

“(a) DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

“(A) to promote comprehensive health promotion and disease prevention services;

“(B) to maintain and improve the health status of Native Hawaiians; and

“(C) to support community-based initiatives that are reflective of holistic approaches to health.

“(2) CONSULTATION.—

“(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

“(i) the Native Hawaiian health care systems;

“(ii) the Native Hawaiian health centers; and

“(iii) the Native Hawaiian community.

“(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

“(3) HEALTH CARE FINANCING STUDY REPORT.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2005, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

“(B) COMPONENTS.—The report shall include—

“(i) information concerning the impact on Native Hawaiian health and well-being of—

“(I) cultural competency;

“(II) risk assessment data;

“(III) eligibility requirements and exemptions; and

“(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

“(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that informa-

tion relates to health care financing (including barriers to health care); and

“(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

“SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI AND OFFICE OF HAWAIIAN AFFAIRS.

“(a) IN GENERAL.—Papa Ola Lokahi—

“(1) shall be responsible for—

“(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

“(B) the training and education of individuals providing health services;

“(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

“(D) the development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

“(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

“(A) research on the health status of Native Hawaiians; or

“(B) addressing the health care needs of Native Hawaiians; and

“(3) shall serve as a clearinghouse for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians;

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(D) the collaboration of research in the area of Native Hawaiian health; and

“(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

“(b) CONSULTATION.—

“(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

“(A) consult with Papa Ola Lokahi; and

“(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

“(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

“(A) the amount of funds expended explicitly for and benefiting Native Hawaiians;

“(B) the number of Native Hawaiians affected by those funds;

“(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

“(D) the amount of funds used for—

“(i) Federal administrative purposes; and

“(ii) the provision of direct services to Native Hawaiians.

“(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

“(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

“(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Ha-

waiians under this Act and other Federal laws.

“(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

“(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

“(1) the Native Hawaiian health care systems; and

“(2) the Native Hawaiian health centers.

“(e) RELATIONSHIPS WITH OTHER AGENCIES.—

“(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

“(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

“(B) resources or services for the implementation of the national policy described in section 4.

“(2) HEALTH CARE FINANCING.—

“(A) FEDERAL CONSULTATION.—

“(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

“(I) the Native Hawaiian community;

“(II) Papa Ola Lokahi; and

“(III) organizations providing health care services to Native Hawaiians in the State.

“(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

“(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

“(i) the Native Hawaiian community;

“(ii) Papa Ola Lokahi; and

“(iii) organizations providing health care services to Native Hawaiians in the State.

“(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

“(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

“(I) the Centers for Medicare and Medicaid Services;

“(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

“(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

“(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

“(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

“(II) the scope of services; or

“(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

“(3) TRADITIONAL HEALERS.—

“(A) IN GENERAL.—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

“(i) traditional Native Hawaiian healers; or

“(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

“(i) the Joint Commission on Accreditation of Healthcare Organizations; and

“(ii) the Commission on Accreditation of Rehabilitation Facilities.

“SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

“(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

“(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

“(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

“(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O’ahu, Molokai, Maui, Hawaii, Lanai, Kauai, Kaho’lawe, and Ni’ihau in the State.

“(c) HEALTH SERVICES TO BE PROVIDED.—

“(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

“(A) outreach services to inform and assist Native Hawaiians in accessing health services;

“(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

“(i) Native Hawaiian health care practitioners;

“(ii) community outreach workers;

“(iii) counselors;

“(iv) cultural educators; and

“(v) other disease prevention providers;

“(C) services of individuals providing health services;

“(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

“(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

“(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

“(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or

other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

“(1) treated as if the individual were a member of the Public Health Service; and

“(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

“(e) SITE FOR OTHER FEDERAL PAYMENTS.—

“(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

“(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

“(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

“(1) for any service other than a service described in subsection (c)(1);

“(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

“(3) to purchase major medical equipment.

“(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

“(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

“(2) the entity will impose for the delivery of such a health service a charge that is—

“(A) made according to a schedule of charges that is made available to the public; and

“(B) adjusted to reflect the income of the individual involved.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) GENERAL GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2006 through 2011.

“(2) PLANNING GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2006 through 2011.

“(3) HEALTH SERVICES.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2006 through 2011.

“SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

“(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

“(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

“(2) training and education for providers of health services;

“(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

“(4) a clearinghouse function for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians; and

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

“(6) the coordination of the health care programs and services provided to Native Hawaiians; and

“(7) the administration of special project funds.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2006 through 2011.

“SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

“(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

“(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

“(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

“(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

“(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

“(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

“(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

“(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

“(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

“(A) if the entity will provide under the grant or contract any of those health services directly—

“(i) has entered into a participation agreement under each such plan; and

“(ii) is qualified to receive payments under the plan; and

“(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

“(i) ensures that the organization has entered into a participation agreement under each such plan; and

“(ii) ensures that the organization is qualified to receive payments under the plan; and

“(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

“(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

“(B) provides such other information as the Secretary determines to be appropriate.

“(d) CONTRACT EVALUATION.—

“(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the

Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

“(A) attempt to resolve the areas of non-compliance or unsatisfactory performance; and

“(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

“(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

“(A) shall not renew the contract with the entity; and

“(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

“(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

“(4) APPLICATION OF FEDERAL LAWS.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

“(A) be negotiated without advertising; and

“(B) be exempted from subchapter III of chapter 31, United States Code.

“(5) PAYMENTS.—A payment made under any contract entered into under this Act—

“(A) may be made—

“(i) in advance;

“(ii) by means of reimbursement; or

“(iii) in installments; and

“(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

“(e) REPORT.—

“(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

“(A) the activities conducted by the entity under the grant or contract;

“(B) the amounts and purposes for which Federal funds were expended; and

“(C) such other information as the Secretary may request.

“(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

“(A) the Secretary;

“(B) the Inspector General of the Department of Health and Human Services; and

“(C) the Comptroller General of the United States.

“(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

“SEC. 10. ASSIGNMENT OF PERSONNEL.

“(a) IN GENERAL.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

“(1) conducting research; or

“(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

“(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

“SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

“(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

“(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of—

“(1) the Native Hawaiian Health Care Systems; and

“(2) the Native Hawaiian Health Centers.

“(c) TERMS AND CONDITIONS.—

“(1) SCHOLARSHIP ASSISTANCE.—

“(A) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

“(B) NEED.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

“(C) ELIGIBLE APPLICANTS.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

“(D) OBLIGATED SERVICE REQUIREMENT.—

“(i) IN GENERAL.—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

“(I) any of the Native Hawaiian health care systems;

“(II) any of the Native Hawaiian health centers;

“(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

“(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

“(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

“(VI) any of the uniformed services of the United States.

“(ii) ASSIGNMENT.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

“(E) COUNSELING, RETENTION, AND SUPPORT SERVICES.—The provision of academic and personal counseling, retention and other support services—

“(i) shall not be limited to scholarship recipients under this section; and

“(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

“(F) FINANCIAL ASSISTANCE.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

“(i) the Native Hawaiian health care systems; or

“(ii) the Native Hawaiians health centers.

“(G) DISTANCE LEARNING RECIPIENTS.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

“(2) FELLOWSHIPS.—

“(A) IN GENERAL.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

“(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

“(ii) a Native Hawaiian providing health services; or

“(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la'au lapa'au, and ho'oponopono).

“(B) TYPES OF ASSISTANCE.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

“(3) RIGHTS AND BENEFITS.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

“(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2006 through 2011.

“SEC. 12. REPORT.

“For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

“(1) a review of programs established or assisted in accordance with this Act; and

“(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

“SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

“(a) IN GENERAL.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (including all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

“(b) DONATION OF PROPERTY.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

“(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

“SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

“(a) AUTHORITY AND AREAS OF INTEREST.—

“(1) IN GENERAL.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

“(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

“(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

“(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

“(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

“(D) the use of telehealth and telecommunications in—

“(i) chronic and infectious disease management; and

“(ii) health promotion and disease prevention;

“(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

“(i) the provision of culturally competent health services;

“(ii) related activities focusing on wellness concepts;

“(iii) the development of appropriate kupuna care programs; and

“(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

“(F) the establishment of—

“(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo;

“(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa;

“(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

“(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

“(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

“(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

“(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

“SEC. 15. RULE OF CONSTRUCTION.

“Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

“SEC. 16. COMPLIANCE WITH BUDGET ACT.

“Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

“SEC. 17. SEVERABILITY.

“If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.”

By Mr. INOUE:

S. 216. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUE. Mr. President, almost ten years ago, I stood before you to introduce a bill “to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.”

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi's claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Five years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be “fair, just and equitable” to settle the claims of the Pottawatomi Nation in Canada for the sum of \$1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is “not a gratuity” and that the “settlement was predicated on a credible legal claim.” *Pottawatomi Nation in Canada, et al. v. United States*, Cong. Ref. 94-1037X at 28 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be “fair, just and equitable” to satisfy this legal claim. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomis were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomi.

In 1829, the United States formally adopted a Federal the policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands—some five million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomis steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomi with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present relented and on September 26, 1833, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomi Nation signed the Treaty of Chicago. Members of the “Wisconsin Band” were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomi were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomi assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied “justice would be

done." Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was "not fit for snakes to live on."

While some Pottawatomis removed westward, many of the Pottawatomis—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomis were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomis groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomis Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949). Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the

Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine "the[] [Wisconsin Bands] proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, [and] the amount of such monies retained in the Treasury of the United States to the credit of the claimant Indians as directed the provision of the Act of June 25, 1864."

In order to carry out the 1906 Act, the Secretary of Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomis in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was \$477,339 and that the proportionate share of annuities due the Pottawatomis Nation in Canada was \$1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of money owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomis Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomis Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. *Hannahville Indian Community v. U.S.*, No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomis Nation in Canada's part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. *Hannahville Indian Com-*

munity v. U.S., 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. *Hannahville Indian Community v. United States*, 4 Ct. Cl. 445 (1983). The Court of Claims concluded that the Wisconsin Band was owed a member's proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomis Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomis Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a "fair, just and equitable" resolution to this claim.

The Pottawatomis Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomis Nation in Canada is supported through specific resolutions by the National Congress of American Indians (the oldest, largest and most-representative tribal organization here in the United States), the Assembly of First Nations (which includes all recognized tribal entities in Canada), and each and every of the Pottawatomis tribal groups that remain in the United States today.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 216

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

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomis Nation in Canada \$1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22,

2000, entered into between the Pottawatomie Nation in Canada and the United States (referred to in this Act as the "Stipulation for Recommendation of Settlement"); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) **FULL SATISFACTION OF CLAIMS.**—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomie Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) **NONAPPLICABILITY.**—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ROCKEFELLER, Mr. HARKIN, Mr. GRASSLEY, Mr. JEFFORDS, Mr. SCHUMER, Mr. LEAHY, Mrs. CLINTON, Mr. PRYOR, Mr. LEVIN, and Mr. SPECTER):

S. 217. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

Mr. BINGAMAN. Mr. President, I rise today with 13 other Senators to introduce the bipartisan Essential Air Service Preservation Act of 2005. I am pleased to have my colleague Senator SNOWE as the principal cosponsor of the bill. Senator SNOWE has been a long-time champion of commercial air service in rural areas, and I appreciate her continued leadership on this important legislation. Senators BEN NELSON, COLLINS, ROCKEFELLER, HARKIN, GRASSLEY, JEFFORDS, SCHUMER, LEAHY, CLINTON, PRYOR, LEVIN, and SPECTER are also cosponsors of the bill.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation could continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

Our bill is very simple. It preserves Congress' intent in the Essential Air Service program by repealing a provision in the 2003 FAA reauthorization bill that would for the first time require communities to pay for their commercial air service. The legislation that imposed mandatory cost sharing on communities to retain their commercial air service had been stricken from both the House and Senate versions of the FAA reauthorization bill, but was reinserted by conferees. I believe that any program that forces communities to pay to continue to receive their commercial air service could well be the first step in the total elimination of scheduled air service for many rural communities.

Two times since mandatory cost sharing was enacted Congress has blocked it from being implemented. For fiscal years 2004 and 2005, a bipar-

tisan group of senators included language in the Department of Transportation's appropriations act that bars the use of funds to implement any mandatory cost sharing program. This bill would simply make Congress' on-going ban permanent.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-four states. EAS supports an additional 33 communities in Alaska. Because of increasing costs and the continuing financial turnaround in the aviation industry, particularly among commuter airlines, about 28 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the state's business center and largest city.

I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements in the FAA reauthorization bill could affect communities in as many as 22 states. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama—Muscle Shoals; Arizona—Prescott, Kingman; Arkansas—Hot Springs, Harrison, Jonesboro; Colorado—Pueblo; Georgia—Athens; Iowa—Fort Dodge, Burlington; Kansas—Salina; Kentucky—Owensboro; Maine—Augusta, Rockland; Michigan—Iron Mt.; Mississippi—Laurel; Missouri—Joplin, Ft. Leonard Wood; New Hampshire—Lebanon; New Mexico—Hobbs, Alamogordo, Clovis; New York—Watertown, Jamestown, Plattsburgh; Oklahoma—Ponca City, Enid; Pennsylvania—Johnstown, Oil City, Bradford, Altoona; South Dakota—Brookings, Watertown; Tennessee—Jackson; Texas—Victoria; Vermont—Rutland; Washington—Moses Lake

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable,

reliable, and safe air service remains available in rural America. Congress is already on record opposing mandatory cost sharing. I hope all Senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 217

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 "Essential Air Service Preservation Act of 2005".

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) **IN GENERAL.**—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title shall be applied as if such section 41747 had not been enacted.

(b) **CLERICAL AMENDMENT.**—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

By Mr. KOHL:

S. 218. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

MR. KOHL. Mr. President, there are a number of different conservation programs aimed at farmers, with a variety of goals. While many of those programs improve water quality and stream health, none are primarily focused with improving fish habitat. The bill I am introducing today would focus USDA conservation dollars on restoring high quality fish habitat in streams around rural America.

While there are millions of miles of streams throughout the country, few of these streams are able to support the kind of first rate fisheries that they have in the past. Agriculture and industry have altered riverbeds over the years, slowing the movement of water for their own purposes. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish habitats in the U.S. have been adversely affected by either pollution or other disturbances. In places where alterations in the river are no longer needed, they should be removed to restore the ecosystem for the native fish.

Clean, fresh, fast moving streams are a necessary requirement for some of our most popular game fish. Trout, one of our most valuable and sought-after game fish, need very specific conditions to thrive, and those conditions have been harder and harder to find. Currently roughly 2 percent of all freshwater fishes are either considered rare or at risk. Habitat loss is part of the problem with only 19 percent of streams and rivers in the lower 48 of high enough quality for wild or scenic status.

This bill, the Stream Habitat Improvement Program, is about more than just preserving an ecosystem or building wildlife populations, this is also about tourism and recreation. Fishing in this country is big business. In Wisconsin alone there are almost 950,000 anglers, and almost half a million more come from out of State to fish in Wisconsin. Together these anglers spend \$1 billion on fishing related expenses in our State. Nationwide recreational fishing is related to \$41 billion in economic activity. An industry with this much impact around the country deserves our consideration.

The bill introduced today would provide payments to farmers who engage in conservation projects that improve stream health. The bill is based on the Wildlife Habitat Improvement Program, but focused more closely on streams, creeks, and rivers. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, removing barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Farmers who are willing to make the efforts to improve spawning grounds and add cover for fish can do a lot to rehabilitate this resource.

Not every river and stream needs to be returned to its natural state, or be granted wild and scenic status. But this bill tries to take a small step toward repairing a resource for the future. Fishing, especially trout and fly fishing, are big business in this country, as well as important environmental indicators. Our efforts to further stream quality will have both economic benefits as well as natural ones, and those are the kind of efforts that everyone in Congress can get behind. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 218

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

SECTION 1. STREAM HABITAT IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by adding at the end the following:

“SEC. 1240Q. STREAM HABITAT IMPROVEMENT PROGRAM.

“(a) IN GENERAL.—The Secretary, in consultation with the State technical committees established under section 1261, shall establish within the Natural Resources Conservation Service a program to be known as the stream habitat improvement program (referred to in this section as the ‘program’).

“(b) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Under the program, the Secretary shall offer to enter into agreements under which the Secretary shall make cost-share payments to landowners to carry out on land owned by the landowners projects to—

“(A) protect streamside areas, including through the installation of riparian fencing and improved stream crossings;

“(B) repair in-stream habitat;

“(C) improve water flows and water quality, including through channel restoration;

“(D) initiate watershed management and planning in areas in which streams are in a degraded condition due to past agricultural or forestry practices; and

“(E) undertake other types of stream habitat improvement approved by the Secretary.

“(2) PRIORITY PROJECTS.—The Secretary shall give priority to any landowner applicant that carries out a project to—

“(A) remove a small dam or in-stream structure;

“(B) improve fish passage, including through culvert repair and maintenance;

“(C) protect streamside areas;

“(D) improve water flows, including through irrigation efficiency improvements; or

“(E) improve in-stream flow quality or timing or temperature regimes.

“(3) PRIORITY APPLICANTS.—To ensure that program projects address the causes of stream habitat degradation, the Secretary shall give priority to any landowner applicant that demonstrates that upland improvements associated with the stream habitat improvement (including erosion and nutrient management) have been, or will be, carried out.

“(c) COST-SHARE PAYMENTS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of payments made under this section shall be equal to 80 percent of the total cost incurred by the landowner in carrying out a project described in subsection (b), as determined and approved by the Secretary.

“(2) NONPROFIT PARTNERSHIP.—The Secretary shall provide a higher Federal share of payments than the share provided under paragraph (1) to a landowner that carries out a project in partnership with a nonprofit organization.

“(3) PRIORITY PROJECTS.—The Secretary may provide a higher Federal share of payments than the share provided under paragraph (1) to a landowner that carries out a project described in subsection (b)(2).”.

(b) FUNDING AND TECHNICAL ASSISTANCE.—

(1) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by adding at the end the following:

“(8) The stream habitat improvement program under section 1240Q, using, to the maximum extent practicable, \$60,000,000 in each of fiscal years 2006 through 2008.”.

(2) TECHNICAL ASSISTANCE.—Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended by striking “paragraphs (1) through (7)” and inserting “paragraphs (1) through (8)”.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today along with my colleague, Senator BAUCUS, the Ranking Member of the Finance Committee, to re-introduce the National Employee Savings and Trust Equity Guarantee Act—or the NESTEG bill as we call it in the Finance Committee. The NESTEG bill would reform our pension and retire-

ment savings laws in several important ways. For example, NESTEG would require companies to allow their employees to diversify out of company stock, a provision that the Committee adopted in response to the events at Enron which saw employees' retirement plans vanish almost overnight. The NESTEG bill also includes other important participant protections, including enhanced disclosure requirements, new rules governing so-called blackout periods, and faster vesting of employer contributions. In addition, NESTEG expands the portability of retirement plan assets so that workers can keep money saved for retirement, and simplifies pension laws and regulation. The NESTEG bill also responds to the uncertainty in the rules governing defined benefit pensions by permanently adopting the yield curve as a replacement for the 30-year Treasury rate.

Last year, the Finance Committee unanimously approved the NESTEG bill. This year, I am looking forward to seeing it signed into law. This bill first began in the wake of the outrageous events that went on in the wake of the collapse of Enron and corporate scandals at other companies. Over the past few years, the Finance Committee has worked diligently to enact reforms in a number of areas of the law to make sure that events like that don't happen again.

The important pension protections in the NESTEG bill are one remaining area for reform. The headlines have died down, but workers' pensions are still too vulnerable to company failures. Thus, a central piece of this bill would allow employees to diversify their retirement plans so that they are not overly concentrated in company stock. Diversification is one of the hallmark principles of sound investment strategy, and promoting diversification should be a hallmark of our pension laws.

But the NESTEG bill is not just a bill that responds to Enron-like situations. The NESTEG bill includes other important improvements to 401(k) and other defined contribution plans as well. The bill makes it easier for employees to transfer amounts from one plan to another, thereby making sure that plan assets remain saved for retirement. And the bill includes provisions designed to make it easier and more cost effective for small businesses to sponsor a retirement plan. Small businesses are vital to our economy, and we need to encourage a level playing field so that workers at small businesses throughout our country have the same access to retirement plans as workers at Fortune 500 companies.

The NESTEG bill also would remove a major source of uncertainty plaguing our pension system by enacting the yield curve as a permanent replacement to the 30-year Treasury rate for pension funding. Workers need reliable pension funding, and employers need a reliable basis on which to calculate pension payments. The NESTEG bill

also gives plan sponsors more flexibility to fund their plans well in good times, and restricts the ability of companies with severely underfunded plans to promise more benefits to work. The Administration has recently come forward with additional pension funding reform proposals, and I look forward to examining those reforms as the Finance Committee considers legislation in this area this year.

Retirement security is a topic that is going to get a great deal of attention this year. We know we need to increase long-term savings in America, and we know that there are ways that we can improve our private retirement system. The reforms in the NESTEG bill that I am introducing today with Senator BAUCUS represent an important step forward in improving Americans' retirement security. As we debate retirement security issues this year, I look forward to working with my colleagues to achieve the goal of ensuring that all Americans achieve a secure retirement.

Mr. BAUCUS. Mr. President, I am pleased to join my good friend Senator GRASSLEY, the Chairman of the Senate Finance Committee, in introducing the National Employee Savings and Trust Equity Guarantee Act.

Senator GRASSLEY and I have attempted put together a bipartisan bill to improve the security of the pension plans that cover America's workers. The Finance Committee approved similar legislation in the last Congress. Some of the provisions in this bill that provide participant protections were in a bill we introduced in the 107th Congress—a bill designed to help us avoid another Enron retirement plan debacle.

We all remember Enron. Thousands of workers lost their jobs. Because their 401(k) accounts were heavily invested in company stock, these workers lost most of their retirement savings as well. While the story of Enron's employees is no longer new, others companies unfortunately have risen up, or fallen down, to take Enron's place.

This country is in the middle of a discussion about retirement security. The administration is recommending that we introduce investment risk into the Social Security system—a system that is the sole source of retirement income for one-fifth of our senior citizens, and the primary source for almost two-thirds of seniors. Before we introduce risk into Social Security, the bedrock of our retirement system, we need to take a hard look at how we can reduce risk to participants in the private retirement system. That is what this bill is about.

Pension legislation is challenging. Companies offer plans voluntarily. If we value employer-sponsored retirement plans—and I do—we need to be careful not to make them so burdensome that companies will stop offering them. At the same time, workers have the right to basic protections to make sure that the money that they are counting on for retirement is really there when the time comes.

I believe that this bill strikes that balance. It phases out the ability companies have to keep workers locked into company stock in their retirement plans. But it does not limit those workers' ability to invest in that stock if they decide that doing so is best for them.

To help make that decision, we give workers tools to make good decisions, and really understand the consequences of their actions. We require the issuance of benefit statements so workers know how much their accounts are worth and how much company stock they already own. And we provide a safe harbor to make it easier for employers to make independent investment advice available if they want to.

The challenge inherent in legislating for a voluntary pension system is particularly sensitive when the subject is defined benefit plan funding. When we discuss and debate funding proposals, we need to consider the health of PBGC, the participants who are counting on defined benefit pensions and the employers who have been willing to promise these benefits.

The Pension Benefit Guaranty Corporation insures defined benefit plans covering forty-four million Americans. As recently as 2001, PBGC had a projected surplus. Now PBGC has a projected deficit of \$23 billion. And this deficit represents unfunded guaranteed benefits. Sadly, many participants were promised benefits in excess of those guaranteed by PBGC. These participants planned their retirement around a benefit promise, only to have the rug pulled out from under them. We must strengthen the funding of defined benefit pension plans so promises made can be kept. This bill takes some important steps toward this goal.

First, this bill provides a permanent replacement for the 30-year Treasury rate used to calculate minimum funding requirements for defined benefit plans. Congress passed a temporary substitute last year, but our temporary fix expires at the end of this year. This bill would extend the current corporate bond rate for an additional year, and then begin phasing in the yield curve—a set of rates that recognizes that you will get a different interest rate on a 5-year loan than on a 15-year loan.

This bill increases the deductible limit on company contributions to defined benefit pension plans. This is so critical. We must allow companies to contribute more in good times, to build a cushion for bad times.

Under this bill, plans of financially-distressed companies that are less than 50 percent funded would not be allowed to continue promising additional benefits until either the funding improves, or the company's financial footing is more solid. This is a tough provision. But we have to make sure that employees receive benefits that they have earned. We have to do our best to make companies pay for promises they have made. But when a company cannot pay

for more promises, we must be willing to step in and say "No more promises."

This bill has a number of other provisions that will make it easier for a worker to move retirement plans from employer to employer, or from an employer plan to an IRA. There are also provisions that make it easier to administer retirement programs.

I look forward to continuing to work with the Chairman of the Finance Committee, Senator GRASSLEY, to see the National Employee Savings and Trust Equity Guarantee Act through to enactment. I urge my colleagues to join us in working toward a more secure retirement for millions of Americans.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DAYTON, and Mr. CORZINE):

S. 222. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the "Keep the Promise of Medicare Act" of 2005, and am pleased to be joined by my colleagues Senators KENNEDY, BOXER, LAUTENBERG, ROCKEFELLER, DAYTON, and CORZINE.

Our Medicare beneficiaries were greeted in the New Year by the largest premium increase in Medicare's history—17.5 percent. At the same time, the Social Security COLA increased by only 2.7 percent.

What are the implications of such a discrepancy? More than 2 million beneficiaries nationwide have lost their entire COLA to the Medicare premium increase, and almost 13 million seniors and disabled Americans will have over 50 percent of their COLA consumed by the Medicare premium increase.

This dramatic increase could have been avoided—CMS Administrator McClellan has acknowledged that provisions included in the 2003 Medicare law designed to privatize the program directly contributed to the premium increase.

Therefore, my legislation will limit, retroactively, the 2005 Part B premium increase to the same level as the Social Security COLA. The result will be nearly a \$10 monthly savings for our seniors—the Bush Administration has given seniors a monthly \$78.20 premium; under our legislation the premium would be \$68.40.

Older Americans have been struggling under the relentless increases in the cost of their health care and prescription drugs. Rather than alleviating the challenges they are facing, the 2005 premium increase has made their situation even direr.

Adjusting the current premium is a first step, and one we must take immediately. Additionally, we should use this year to revise an outdated law that has led to record increase in Medicare premiums in the last four years. The promise of Medicare must include

protection from dramatic increases in the Part B premium.

I urge my colleagues to join me on this important piece of legislation.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, Mr. DAYTON, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. DODD, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SARBANES):

S. 223. A bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here to introduce legislation and to talk about an issue that my colleagues have heard me speak about on numerous occasions during the course of the past two years, frequently at some length. That issue is overtime pay for American workers.

It is a subject I feel deeply about. It has become very clear to me that Iowans feel very deeply about it, as well. Working families across the country feel deeply about it.

I know that is true because people approach me and tell me what overtime pay means to them and their families. I have become associated with this fight here in Congress over protecting overtime pay, so when people recognize me, they very often will approach me and tell me a little bit about themselves and why they support my efforts on this issue. Many of them even become emotional about it.

Why is that? Why do people feel so strongly? For some, it is a simple matter of fairness and valuing work. They believe that receiving time-and-a-half pay when they put in more than 40 hours of work in a week is fair because if they are going to give up their premium time—hours beyond a normal workweek—then their employer should provide them with premium pay. It is simple fairness. Of course, they might also rely on that premium pay as a substantial part of their income. That is a benefit of valuing work fairly. They make more money.

Most people making overtime pay are not extremely affluent, so they are probably spending a lot of that extra income, putting it right into the local economy. That is therefore a further benefit to the economy.

Other people, to tell the truth, would rather not work a lot of overtime hours. They believe a 40-hour workweek is a full workweek.

That is what the Fair Labor Standards Act, FLSA, did when we passed it in 1938. It established the principle of a 40-hour workweek in law by saying that employers need to pay extra when they work their employees longer than that. The time-and-a-half rule tends to discourage employers from requiring their employees to work longer than 40

hours, and many people value the law for that reason. They want to keep their premium time for themselves. They want to spend their premium time doing leisure activities or performing important family duties.

In 1938, our government decided that the 40-hour workweek was important to Americans. Look in any economic history book. It is treated as a fundamental and valuable principle in our economy. Overtime pay rewards work, and it reduces exploitation. It protects “premium time” for working men and women.

The 40-hour workweek says: Human beings are more than just the work they do. It says, the progress of technology can allow us to enjoy a good standard of living and quality of life without spending all of our hours toiling and laboring.

The 40-hour workweek also creates jobs. Requiring time-and-a-half pay for overtime work encourages employers to hire more workers, rather than requiring additional hours of work from existing employees. Franklin Roosevelt cited this as a rationale when he signed the FLSA into law.

In 1933, probably for all the reasons I have just mentioned, the United States Senate voted 53 to 30 to set a cap for hours in a workweek. The number of hours was 30. The Senate voted to cap the workweek in the United States at 30 hours. Those were extremely difficult times economically, but the Senate of 70 years ago nonetheless placed a greater value on quality time spent off the job than they did increasing productivity with longer workweeks.

The Bush rules are deeply flawed. They make millions of modest-income and moderate-income American workers vulnerable to losing their eligibility for overtime pay, broadening the categories of workers that are ineligible for overtime protections—often in response to specific requests from industries.

If overtime is free to the employer, it is going to be overused. A study done by the Center for Women and Work at Rutgers University showed that only 20 percent of the workers eligible for overtime work more than 40 hours a week, but 44 percent of workers who are exempt from overtime pay work overtime.

Several months ago, three former career DoL officials released a report after having done an in-depth review of these rule changes. Their analysis should be read by all to whom the issue of overtime is important.

These were not just any three former DoL officials. These were the top three people who administered these regulations over the course of the last two decades. They speak with enormous credibility on this issue.

These career employees have said that “in every instance where DoL has made substantive changes to the existing rules, it has weakened the criteria for overtime exemptions and thereby expanded the reach and scope of the ex-

emptions.” This comes from people who were elevated to their high positions within DoL during the Reagan administration. The fact that they say these new rules are bad for the American worker in all ways but one ought to tell us something.

All of my colleagues are well aware that I led fights on the Senate floor during the last Congress to block or repeal the Department of Labor’s FLSA overtime rule changes. Despite the fact that Congress voted 6 times during that period to protect workers’ overtime by blocking the new rules, the administration insisted on ignoring the will of Congress. The new rules went into effect on August 23 of last year.

The bill I am introducing today would simply allow any workers who were entitled to overtime before the new rules took effect last August to retain their overtime rights. It makes ineffective those portions of the new rules that allow employers to take overtime eligibility away from workers who were eligible before the new rules took effect.

Secondly, my bill would also increase the minimum salary threshold. The minimum salary threshold that helps define overtime eligibility had not been raised since 1975 before the Bush administration raised it to \$23,660. The administration did not raise it high enough, and millions of workers who should be covered are not covered due to this inadequacy. This bill will increase the number of workers covered by overtime protections by raising the minimum salary threshold to \$30,712—to correspond with the increase in workers’ wages since 1975. The bill also contains language that requires the salary threshold be adjusted annually to reflect and keep pace with increases in inflation.

American workers deserve an iron-clad guarantee that their overtime rights are safe. That is what the bipartisan bill I am introducing today accomplishes. It repeals any provisions of the new rules that took effect last August that weaken overtime protections, and it indexes the minimum salary threshold annually to avoid future loss of overtime protections due to inflation. I thank the 13 of my colleagues who have agreed to cosponsor this for their support, and I look forward to adding more.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 223

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 “Overtime Rights Protection Act”.

SEC. 2. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

“(k)(1) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provision of section 7 of this Act any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall be reinstated.

“(2) The Secretary shall adjust the minimum salary level for exemption under section 13(a)(1) in the following manner:

“(A) Not later than 60 days after the date of enactment of this subsection, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) for executive, administrative, and managerial occupations from the level of \$155 per week in 1975 to \$591 per week (an amount equal to the increase in the Employment Cost Index (published by the Bureau of Labor Statistics) for executive, administrative, and managerial occupations between 1975 and 2005).

“(B) Not later than December 31 of the calendar year following the increase required in subparagraph (A), and each December 31 thereafter, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) by an amount equal to the increase in the Employment Cost Index for executive, administrative, and managerial occupations for the year involved.”.

Mr. KENNEDY. Mr. President, I commend Senator HARKIN for introducing the Overtime Rights Protection Act to restore overtime protections for the more than 6 million Americans denied overtime pay and denied the guarantee of a 40-hour work week by the Republican anti-overtime regulation adopted in 2004. The bill will also provide overtime protections for additional deserving workers.

In the last Congress, the Senate voted four times to block the Administration's overtime rule, and the House voted twice to block it. Yet, the Republican leadership refused to accept the will of Congress and the will of the American people. Instead, it blocked the enactment of this legislation and continued the unfair assault on America's workers and their right to overtime pay.

In today's economy, workers are concerned about losing their jobs, their pay, their health benefits, and their retirement benefits. Now more than six million employees also have to worry about losing higher pay they've always earned for working overtime.

These men and women are nurses. They are school teachers. They are long-term care workers. They are assistants in mental health facilities. They are countless men and women in many other fields.

Make no mistake—overtime cuts are pay cuts. When workers lose their overtime pay, they still work longer hours. But they get no extra pay for doing so, even though they've had the right to time-and-a-half pay for overtime work ever since the 1930's.

Clearly, we need a policy to create more jobs, not eliminate jobs. By taking away workers' right to overtime, the Administration's rule undermines job creation, since it allows businesses to require employees to work longer hours for no extra pay, rather than hire new workers to do the extra work.

Denying overtime pay is a thinly veiled scheme to reduce workers' pay and raise employers' profits. In this troubled economy, it makes no sense to ask any workers anywhere in America to give up their overtime pay.

Instead of making hard-working men and women work longer hours for less pay, businesses should create new jobs by hiring more employees to do the work.

We know that employees across America are already struggling hard to balance their family needs and their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

According to the Families and Work Institute, two of the most important things that children would most like to change about their parents are that they wish their parents were less stressed out by their work, and they wish they could spend more time with their parents.

The Government Accountability Office says that employees without overtime protection are twice as likely to work overtime as employees covered by the protection. In other words, businesses don't hesitate to demand longer hours, as long as they don't have to pay higher wages for the extra work.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should be doing is to allow the new anti-overtime rule to make the balance worse for workers than it already is.

Under the overtime law, low-income workers are supposed to be automatically included. But today, millions who should be included are left out, since wages have increased, but the maximum earnings level for automatic coverage has remained the same for 30 years. The Bush Administration raised it to \$23,660 in their new rule, but this level is still too low. The Harkin bill will cover more workers by raising the threshold to \$30,712, and index it to keep pace with wage growth. This change will bring it to the level it would be if we'd made annual adjustments for wage inflation over the last 30 years.

Congress cannot look the other way while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the wounds of this troubled economy. Enacting the Overtime Rights Protection Act will end this injustice, and I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 22

Resolved, That, in carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Cong.), as amended by S. Res. 445, agreed to October 9, 2004 (108th Cong.), in accordance with its jurisdiction under Section 3 and Section 17 of S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by Section 5 of S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005 through September 30, 2005 under this resolution shall not exceed \$3,050,594, of which amount (1) not to exceed \$32,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,834 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005 through September 30, 2006, expenses of the committee under this resolution shall not exceed \$5,355,503, of which amount (1) not to exceed \$55,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006 through February 28, 2007 expenses of the committee under this resolution shall not exceed \$2,279,493, of which amount (1) not to exceed \$22,917 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee,