

to meet the requirements of this section or whether additional investigation or information is required.

(b) **PROCESS FOR DETERMINATION.—**

(1) **IN GENERAL.—**The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) **NOTICE OF INTENT.—**If the Office finds that the certification submitted by the competent authority of the child's country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) **PETITIONERS RIGHT TO RESPOND.—**Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) **DECISION.—**Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) **RIGHT TO AN APPEAL.—**Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

### TITLE III—FUNDING

#### SEC. 301. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

### TITLE IV—ENFORCEMENT

#### SEC. 401. ENFORCEMENT.

(a) **CIVIL PENALTIES.—**A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation if such person—

(1) violates a provision of this Act or an amendment made by this Act;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) **CIVIL ENFORCEMENT.—**

(1) **AUTHORITY OF ATTORNEY GENERAL.—**The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) **FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—**In imposing penalties the court shall consider the gravity of the violation,

the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) **CRIMINAL PENALTIES.—**Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 483—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BROWNBACK (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated

requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

#### SENATE RESOLUTION 484—TO HONOR AND THANK ROBERT RAY HOWE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

*Resolved*, That the Senate hereby honors and thanks Robert Ray Howe and his family

for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

**SENATE CONCURRENT RESOLUTION 152—EXPRESSING THE SENSE OF THE CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES**

Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

**S. CON. RES. 152**

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas Public Law 92-249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, recognizes that Boy Scout Jamborees may be held on military installations and authorizes the Department of Defense to loan certain equipment and to provide transportation from the United States or military commands overseas, and return, at no expense to the United States Government, and to provide other personnel services and logistical support to the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring).* That it is the sense of the Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in

particular the periodic national and world Boy Scout Jamborees.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, supra.

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, An act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 4082.** Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Bahá'í community and calling for the emancipation of Iranian Bahá'ís, as follows:

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

“(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;”.

**SA 4083.** Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

Insert after the fourth whereas clause the following:

“Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;”.

Strike the tenth whereas clause that begins “Whereas as of June 2003” and insert the following:

“Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;”.

**SA 4084.** Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist cer-

tain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS.**

**SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.**

(a) IN GENERAL.—(1) For fiscal years 2005 through 2008, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2004.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2004, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding