Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. BROWN, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Ms. CANTWELL, Mrs. MURRAY, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. DURBIN, Mr. AKAKA, and Mr. REID):

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 183. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 184. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 185. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 186. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 188. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 189. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 190. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 191. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCUS, Mr. BAYH, Mr. JOHANNS, Mrs. LINCOLN, Mr. BROWN and Mr. CARDIN):

S. Res. 10. A resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 11. A resolution to authorize production of documents to the Department of Defense Inspector General; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 69

At the request of Mr. INOUYE, the names of the Senator from Utah (Mr. BENNETT), the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 69, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 118

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 142

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 142, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 154

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 154, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE):

S. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators FEINSTEIN, LEAHY, REID, and others to introduce the COPS Improvement Act of 2009. This legislation would reauthorize one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995

to 1999, the COPS Universal Hiring Program distributed nearly $1 billion in grants to State and local law enforcement agencies to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to the COPS program in each of his budget requests, and his proposed cuts to State and local law enforcement programs has totaled well over $1 billion in recent years. Despite bipartisan efforts in Congress to prevent those cuts, State and local law enforcement funding has consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police force reduced. New York has lost thousands of police officers in recent years. Other cities have hundreds of vacancies on their forces. Years of decreases in funding have led to fewer cops on the beat and, unfortunately, increases in violent crime.

Therefore, in order to restore the safety of our neighborhoods and communities, it is imperative that we commit ourselves to restoring funding for the COPS program. The COPS Improvement Act of 2009 would authorize $1.15 billion per year over 6 years for the COPS program. It would allocate $600 million per year to hire officers to engage in community policing and as school resource officers. It also authorizes $350 million per year for technology grants.

The legislation would also provide some relief to local prosecutors, who have also seen their ranks reduced by the cuts in funding. Specifically, it includes $200 million per year to help local district attorneys hire community prosecutors.

To be sure, some will argue that more than $1 billion is too large a price tag. It is hard to put a price tag on the security of our communities. Investing money in such a successful program with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found ''COPS . . . to be one of the most cost-effective options available for fighting crime.''

It is also worth noting the assistance the COPS program can provide to our economy. Few government programs can claim such a direct connection to job creation. The COPS Hiring Program actually puts more people in this country to work. In addition to reducing crime, this investment can serve as a direct injection of money into the American economy.

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

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

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

S. 167

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 ''COPS Improvements Act of 2009''.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).'';

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

(D) by inserting after paragraph (4) the following:

''(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking ''and'' at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

''(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.'';

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

''(c) TROOPS-TO-COPS PROGRAMS.—

''(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

''(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

''(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

''(1) handle cases from specific geographic areas; and

''(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

''(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.'';

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking ''to States, units of local government, Indian tribal governments, and to other public and private entities,'';

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish'';

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities''; and

(D) by adding at the end the following:

''(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.'';

(8) in subsection (g), as so redesignated, by striking ''may utilize any component'', and all that follows and inserting ''shall use the

Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.'';

(9) in subsection (h), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (b)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)'';

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

''(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.''.

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

''SEC. 1703. RENEWAL OF GRANTS.

''(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.''.

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a), by striking ''that would, in the absence of Federal funds received under this part, be made available from State or local sources'' and inserting ''that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(A) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(B) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

''Sec. 1706. Enforcement actions.''.

(f) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by inserting ''who is a sworn law enforcement officer'' after ''permanent basis''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(11)) is amended—

(1) in subparagraph (A), by striking ''$1,047,119,000 for each of fiscal years 2006 through 2009'' and inserting ''$1,150,000,000 for each of fiscal years 2009 through 2014''; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking ''3 percent'' and inserting ''5 percent''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators KOHL, LEAHY, and others in introducing the COPS Improvement Act of 2009. I am honored to join them in introducing this important bill on an issue that has been so forcefully championed by Senator BIDEN for so many years.

It is my sincere hope that we are entering the dawn of a new age in our approach to State and local law enforcement funding. For the last 8 years, the Bush administration has steadily and drastically reduced the amount of funding and programming that the Federal Government provides to State and local law enforcement. This has been a huge mistake, with a corresponding spike in the rise of violent crime in our country.

The need for additional funding for state and local law enforcement through the COPS program is clear. Over the last 5 years, our country has experienced an alarming increase in violent crime. In 2007, the Police Executive Research Forum reported that from 2004 to 2006, homicides increased overall by 10 percent, aggravated assaults with guns rose 10 percent, and robberies rose 12 percent.

This survey mirrors the FBI's own statistics, which showed that violent crime rose by 1.8 percent between 2003 to 2007. And this surge in the violent crime rate isn't just limited to big cities. In February 2008, in testimony before the House Judiciary Committee, Attorney General Mukasey acknowledged that violent crime was increasing across all of our communities.

Let me put these numbers in human terms. The International Association of Chiefs of Police equates the rise of 2.5 percent to 31,479 more victims of violent crimes in 2005. The 3.7 increase for all of 2006 means about 47,000 more Americans were victims of murder, robbery, assault, rape, or other violent crimes.

Unfortunately, despite these disturbing numbers and the Justice Department's own acknowledgement that violent crime is increasing, over the last 8 years the Bush administration continually proposed drastic cuts in the Federal assistance traditionally available to state and local law enforcement.

President Bush's proposed fiscal year 2009 budget slashed funding for State and local law enforcement at unprecedented rates. After repeatedly proposing to eliminate COPS hiring grants, President Bush finally zeroed out the entire COPS program for fiscal year 2009, replacing it with a mere $4 million for a new community policing grant. This is simply not acceptable and our communities are suffering because of it.

During the 1990s and earlier years in this decade, the federal government vigorously funded grant programs for state and local law enforcement, including the COPS Program. We saw real results—violent crime went down year after year. It is no surprise that with the recent cuts, violent crime rates have ticked back up.

This trend has to stop, and it is my hope that Congress and the incoming Obama administration will move to correct the huge damage that has been inflicted on state and local law enforcement in the last eight years. The bill Senator KOHL and I introduce today will go a long way to do that.

We know what works and we can see the results of ignoring and underfunding proven programs. We also know that crime often rises in times of economic trouble. Now is not the time to continue the rollbacks in state and law enforcement funding initiated by the Bush administration.

This bill will serve a dual purpose—creating thousands of jobs in the current economic downturn and providing state and local law enforcement with the resources they need to successfully fight crime.

Specifically, the bill would authorize $1.15 billion per year for the next 6 years to fund the following:

Police Hiring Grants: The bill authorizes $600 million per year to hire up to 50,000 officers to work in community policing efforts, and school resource officers to fight school violence. These funds will create jobs in a worsening economy, and can be used to retain officers, pay overtime costs, and reimburse officers for training costs.

Law Enforcement Technology Grants: The bill authorizes $350 million per year for police departments to obtain new technology and equipment to analyze real-time crime data and incident reports to anticipate crime trends, map crime ''hot-spots'', examine DNA evidence, and purchasing badly needed technology upgrades for police on the street.

Community Prosecutor Grants: The bill authorizes $200 million per year to help local district attorneys hire and train more prosecutors.

Troops-to-Cops Program: The bill authorizes a troops-to-cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings to allow them to continue working and engaging in public service.

The COPS Program is a time-tested program that has proven its effectiveness for years. It is one of the cornerstones in the State and local law enforcement efforts that have removed thousands of pounds of drugs and millions of dollars worth of drug proceeds from communities across the country.

Money from the COPS Program provides law enforcement with the officers, prosecutors and technology that they need to keep our communities safe. All we have to do is look at the rising rates of violent crime that correspond to the staggering funding cuts to understand how important these programs are for our country.

We must provide the necessary tools and funds to State and local law enforcement and act decisively to combat the nation's growing gang problem and violent crime. Enacting the COPS Improvement Act of 2009 will be a step in the right direction. I hope my colleagues will join Senator KOHL and I in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. CRAPO, Mr. BINGAMAN, Mr. SPECTER, Ms. CANTWELL, and Mr. MCCAIN):

S. 168. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today the Senate Judiciary Committee held a hearing entitled ''Helping State and Local Law Enforcement During an Economic Downturn.'' Today Senator KYL and I are introducing a bill that will do just that. The SCAAP Reimbursement Protection Act of 2009 will help to alleviate the costs of illegal immigration to State and local governments by broadening the State Criminal Alien Assistance Program, SCAAP, to ensure that States and localities are eligible for reimbursement of the costs associated with incarcerating criminal aliens.

We are joined today by Senators BOXER, HUTCHINSON, SCHUMER, CORNYN, DURBIN, CRAPO, BINGAMAN, SPECTER, CANTWELL, and MCCAIN.

The burden of incarcerating criminal aliens weighs heavily on States, especially during this time of economic uncertainty. California is home to approximately 32 percent of the Nation's illegal immigrants and spent over $950 million in 2008 alone to house these criminal aliens.

Understanding the expenses that States and localities bear, Congress enacted SCAAP in 1994 to help reimburse States and localities for the costs of incarcerating criminal aliens. Prior to 2003, the Department of Justice interpreted the SCAAP statute to include reimbursement to States and localities that are incurring costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses and have been incarcerated for a minimum of 72 hours. After 2003, DOJ limited reimbursement to the amount States and localities spend incarcerating convicted criminal aliens for at least 4 consecutive days.

Reimbursing States and localities only for the costs when a criminal alien is convicted and incarcerated for 4 consecutive days significantly undermines the goal of SCAAP that States and localities should not bear the burden of a broken Federal immigration system. The actual costs of this failed Federal system begin when these aliens are charged with a crime, transported, and incarcerated for any length of time.

This narrow interpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposals for the past 7 years. Through bipartisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. In 2008, the California State government will receive approximately $118 million in SCAAP funding. However, it is estimated to cost the State approximately $960 million each year for the incarceration of criminal aliens in California—$842 million above the reimbursement amount. The State of California is therefore only being reimbursed for approximately 12 percent of its actual costs to incarcerate illegal criminal aliens.

This cut has had a domino effect on public safety funding. For every dollar less that SCAAP reimburses States, a dollar less is available for critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff's Department implemented an ''early release'' policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government's responsibility to control illegal immigration. The funding cuts imposed by the Bush administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2009 is good federal policy to fix a failed Federal one—so that States are reimbursed for the full costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

This policy has the support of the National Sheriffs' Association, California State Association of Counties, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee Baca, and the Sheriffs' Association of Texas, who have all endorsed the bill I am reintroducing today.

Our colleagues in the House unanimously passed this companion bill last Congress and I urge my colleagues in this chamber to join me in supporting this much needed amendment to the SCAAP statute.

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

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

S. 168

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 ''SCAAP Reimbursement Protection Act of 2009''.

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUYE, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KERRY, Mrs. BOXER, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida):

S. 171. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal and Ocean Observation System Act of 2009 and the NOAA Undersea Research Program Act of 2009. These bills will greatly enhance our nation's existing ocean

observation and research capabilities and drastically improve our understanding of the marine environment.

Oceans cover nearly three quarters of the Earth's surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and non-living resources on which many of our livelihoods are based, and provide our nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many of our coastal states. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the overwhelming majority of our planet. What lies over the horizon remains, by most accounts, a mystery.

Yet, the effects of those mysterious systems can be devastating. In recent years, hurricanes, tsunamis, and other natural disasters have devastated regions of our nation, and other parts of the world. Today, we have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and man-made pollution. The purpose of the Coastal Ocean Observing System Act is to put that technology to work predicting these threats more accurately and, when possible, mitigating their impacts.

This bipartisan, science-based bill would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around our nation's coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime transportation, safety, and commerce. Such data would improve both short-term forecasting that can mitigate impacts of major disasters, and prediction and scientific analysis of long-term ocean and climate trends.

My home State of Maine currently participates in an innovative partnership known as the Gulf of Maine Ocean Observing System, or GoMOOS. Launched in 2001, GoMOOS takes ocean and surface condition measurements on a hourly basis through a network of linked buoys. These data are subsequently made available via the GoMOOS website to scientists, students, vessel captains, fishermen, and anyone else with an interest in our oceans. The vast geographic range and frequency of measurements has led to unprecedented developments in scientific analysis of ocean conditions in the Gulf of Maine. It has also contributed invaluable information to our region's assessments of fisheries, weather conditions, and predictions of other ocean phenomena.

Unfortunately, due to recent budget cuts within NOAA, in 2008 GoMOOS was forced to remove several buoys from the water, compromising the integrity of the system and reducing the quality of data available to system users. The funding levels authorized in this bill will ensure that this system, which has been shown to return $6 to the regional economy for every dollar invested, will continue to grow and provide its vital services to our maritime community.

Of course, the need to access this type of information is not limited to the Gulf of Maine. In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the ''top ten'' actions Congress should take to strengthen our ocean policy regime. One of those priorities was ''enact legislation to authorize and fund the Integrated Ocean Observing System.'' Ocean and coastal observations are a cornerstone of sound marine science, management, and commerce. This bill will save lives by allowing seafarers to better monitor ocean conditions and providing timelier and more accurate predictions of potentially catastrophic weather and seismic phenomena. It will save taxpayers' dollars by reducing the emergency spending that comes in the wake of unanticipated storms, and it will enhance the appreciation and understanding of our oceans and coastal regions to benefit all Americans.

I am very proud to introduce this bill, and I would like to thank my cosponsors, Senators CANTWELL, INOUYE, ROCKEFELLER, LANDRIEU, KERRY, BOXER, REED, COLLINS, and BILL NELSON for contributing to this legislation and supporting this national initiative. Of course, our current and expanding ocean observation and communication system would not be possible without the work of dedicated professionals in the ocean and coastal science, management, and research communities—they have taken the initiative to develop the grassroots regional observation systems as well as contribute to this legislation. Thanks to their ongoing efforts, ocean observations will continue to provide a tremendous service to the American public.

While my ocean observing legislation will greatly enhance our ability to analyze and disseminate oceanographic and meteorological data, we also face a shortfall in our Nation's ability to explore vast regions of our undersea territory. Nearly 3 years ago the U.S. Commission on Ocean Policy released its long-awaited report, which noted that approximately 95 percent of the ocean's floor remains uncharted territory. If past experience is any indication, fascinating discoveries await us in these vast unexplored areas. These regions are sure to include species of marine life that are currently unknown to science, archaeological and historical artifacts that can shed new light on our past, and marine resources that may support our ongoing quest for a sustainable future.

In 2004 the U.S. Ocean Policy Commissioners called for enhanced, comprehensive national programs in ocean exploration, undersea research, and ocean and coastal mapping. The vision of the Commissioners, one that I share, is for well-funded and interdisciplinary programs. Such programs are being led by NOAA, with significant input from partners in other agencies, academia, and industry, but currently they lack formal Congressional authorization. This legislation would establish those programs, and provide a strong foundation upon which we can continue to expand the quest for knowledge to areas of the planet that have literally never been seen by human eyes. I look forward to seeing these efforts enhanced under this legislation.

I am proud to introduce this legislation today as well, and I thank my cosponsors on this bill, Senators INOUYE, and ROCKEFELLER for their support. I would also like to acknowledge my support for three other oceans bills being introduced by my colleagues simultaneously with these two bills: the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping and Integration Act. All will be integral to enhancing our nation's coasts and oceans and I am pleased to support my colleagues' efforts by offering my cosponsorship of these three pieces of legislation.

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

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

S. 171

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal and Ocean Observation System Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States Commission on Ocean Policy recommends a national commitment to a sustained and integrated coastal and ocean observing system and to coordinated research programs which would provide vital information to assist the Nation and the world in understanding, monitoring, and predicting changes to the ocean and coastal resources and the global climate system, enhancing homeland security, improving weather and climate forecasts, strengthening management and sustainable use of coastal and ocean resources, improving the safety and efficiency of maritime operations, and mitigating the impacts of marine hazards.

(2) The continuing and potentially devastating threat posed by tsunami, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and communications, and data management systems to provide timely detection, assessment, and warnings and to support response strategies for

the millions of people living in coastal regions of the United States and throughout the world.

(3) Safeguarding homeland security, conducting search and rescue operations, responding to natural and manmade coastal hazards (such as oil spills and harmful algal blooms), and managing fisheries and other coastal activities each require improved understanding and monitoring of the Nation's waters, coastlines, ecosystems, and resources, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(4) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, handling $700 billion in waterborne commerce, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(5) Ensuring the effective implementation of National and State programs to protect unique coastal and ocean habitats, such as wetlands and coral reefs, and living marine resources requires a sustained program of research and monitoring to understand these natural systems and detect changes that could jeopardize their long term viability.

(6) Many elements of a coastal and ocean observing system are in place, but require national investment, consolidation, completion, and integration among international, Federal, regional, State, and local elements.

(7) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, reliable, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated coastal and ocean observing system is an essential part.

(8) Protocols and reporting for observations, measurements, and other data collection for a coastal and ocean observing system should be standardized to facilitate data use and dissemination.

(9) Key variables, including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification, should be collected to address a variety of informational needs.

(b) PURPOSES.—The purposes of this Act are to establish an integrated national system of ocean, coastal, and Great Lakes observing systems to address regional and national needs for ocean information and to provide for—

(1) the planning, development, implementation, and maintenance of an integrated coastal and ocean observing system that provides data and information to sustain and restore healthy marine, coastal, and Great Lakes ecosystems and manage the resources they support, aid marine navigation safety and national security, support economic development, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the marine environment and achieve the full national benefits of an integrated coastal and ocean observing system;

(3) implementation of a data, information management, and modeling system required by all components of an integrated coastal and ocean observing system and related research to develop early warning systems to more effectively predict and mitigate impacts of natural hazards, improve weather and climate forecasts, conserve healthy and restore degraded coastal ecosystems, and ensure usefulness of data and information for users; and

(4) establishment of a network of regional associations to operate and maintain regional coastal and ocean observing systems to ensure fulfillment of national objectives at regional scales and to address State and local needs for ocean information and data products.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 4(d).

(4) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—The term ''National Oceanographic Partnership Program'' means the program established under section 7901 of title 10, United States Code.

(5) OBSERVING SYSTEM.—The term ''observing system'' means the integrated coastal, ocean, and Great Lakes observing system to be established by the Council under section 4(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of coastal and ocean observations, data communication and management, analysis, modeling, research, education, and outreach designed to understand current conditions and provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environments that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the Nation's coasts, oceans, and Great Lakes in order to—

(1) understand the effects of human activities and natural variability on and improve the health of the Nation's coasts, oceans, and Great Lakes;

(2) monitor key variables including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification;

(3) measure, track, explain, and predict climatic and environmental changes and protect human lives and livelihoods from hazards such as tsunami, hurricanes, storm surges, coastal erosion, levy breaches, and fluctuating water levels;

(4) supply critical information to marine-related businesses such as marine transportation, aquaculture, fisheries, and offshore energy production and aid marine navigation and safety;

(5) support national defense and homeland security efforts;

(6) support the sustainable use, conservation, management, and enjoyment of healthy ocean, coastal, and Great Lakes resources, better understand the interactions of ocean processes within the coastal zone, and support implementation and refinement of ecosystem-based management and restoration;

(7) support the protection of critical coastal habitats, such as coral reefs and wetlands, and unique ecosystems and resources;

(8) educate the public about the role and importance of the oceans, coasts, and Great Lakes in daily life; and

(9) support research and development to ensure improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national and international observation priorities.

(2) A network of regional associations to manage the regional coastal and ocean observing and information programs that collect, measure, and disseminate data and information products.

(3) Data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council, including projects under the National Oceanographic Partnership Program, consisting of the following:

(A) Basic research to advance knowledge of coastal and ocean systems and ensure improvement of operational products, including related infrastructure, observing technology, and information technology.

(B) Focused research and technology development projects to improve understanding of the relationship between the coasts and oceans and human activities.

(C) Large scale computing resources and research to advance modeling of coastal and ocean processes.

(5) A coordinated outreach, education, and training program that integrates and augments existing programs (such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System), to ensure the use of data and information for improving public education and awareness of the Nation's coastal and ocean environment and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—The Council shall serve as the oversight body for the design and implementation of all aspects of the observing system. In carrying out its responsibilities under this section, the Council shall—

(1) adopt plans, budgets, and standards that are developed and maintained by the Interagency Ocean Observation Committee in consultation with the regional associations;

(2) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(3) coordinate and approve programs of intramural and extramural research, technology development, education, and outreach to support improvements to and the operation of an integrated coastal and ocean observing system and to advance the understanding of the oceans;

(4) promote development of technology and methods for improving the observing system;

(5) support the development of institutional mechanisms and financial instruments to further the goals of the program and provide for the capitalization of the required infrastructure;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and

ocean observing programs, including those under the jurisdiction of the International Joint Commission involving Canadian waters; and

(7) in consultation with the Secretary of State, support coordination of relevant Federal activities with those of other nations.

(d) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—

(1) ESTABLISHMENT.—The Council shall establish an Interagency Ocean Observation Committee.

(2) RESPONSIBILITIES.—The Interagency Ocean Observing Committee shall be responsible for program planning and coordination of the implementation of the observing system.

(3) DUTIES.—The Interagency Ocean Observing Committee shall report to the Council and shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing global, national, and regional observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(B) coordinate the development of agency and regional associations priorities and budgets to implement, operate, and maintain the observing systems;

(C) establish and refine standards and protocols for data collection, management and communications, including quality control standards, in consultation with participating Federal agencies and regional associations;

(D) establish a process for assuring compliance for all participating entities with the standards and protocols for data management and communications, including quality control standards;

(E) integrate, improve, and extend existing programs and research projects, and ensure that regional associations are integrated into the operational observation system on a sustained basis;

(F) provide for the migration of scientific and technological advances from research and development to operational deployment; and

(G) perform such duties as the Council may delegate.

(4) IMPLEMENTATION.—There is established an Interagency Program Coordinating Office. The Office shall be—

(A) located in, but is not an office of, the Department of Commerce; and

(B) staffed by employees of agencies represented on the Interagency Ocean Observation Committee, to facilitate the Interagency Ocean Observation Committee's responsibilities for system implementation, budgeting, and administration.

(e) ROLE OF NOAA.—The National Oceanic and Atmospheric Administration shall provide leadership for the implementation and administration of the observing system, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the observing system and the regional associations, and shall—

(1) establish an Integrated Ocean Observing Program Office to facilitate action under the Administration's leadership;

(2) implement a merit-based funding process to support the activities of regional associations;

(3) provide opportunities for competitive contracts and grants to design, develop, integrate, deploy, and support ocean observation system elements;

(4) have the authority to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator deems appropriate;

(5) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and regional associations in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(6) develop and implement a process for the certification and assimilation into the national ocean observations network of the regional associations and their periodic review and recertification and certify regional associations that meet the requirements of subsection (f); and

(7) develop a data management and communication system, in accordance with the established standards and protocols, by which all data collected by the observing system regarding coastal waters of the United States are integrated and available.

(f) REGIONAL ASSOCIATIONS OF COASTAL AND OCEAN OBSERVING SYSTEMS.—

(1) The Secretary shall initiate a rulemaking proceeding to establish a process for the certification of regional associations to be responsible for the development and operation of regional coastal and ocean observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certified a regional association shall meet the certification standards developed by the Interagency Ocean Observing Committee in conjunction with the regional associations and approved by the Council and shall—

(A) demonstrate an organizational structure capable of supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects broad representation from State and local government, commercial interests, and other users and beneficiaries of marine information;

(B) operate under a strategic operations and business plan that details the operation and support of regional coastal and ocean observing systems pursuant to the standards approved by the Council; and

(C) work with governmental entities and programs at all levels to identify and provide information products of the observing system for multiple users in the region to advance outreach and education, to improve coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, to enhance preparation for hurricanes, tsunami, and other natural hazards, and other appropriate activities.

(2) For the purposes of this Act, employees of Federal agencies may participate in the functions of the regional associations.

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional coastal and ocean observing system that is a designated part of a regional association certified under this section shall, with respect to tort liability arising from the dissemination and use of the data, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while operating within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. PROCESS FOR TRANSITION FROM RESEARCH TO OPERATION.

The National Oceanic and Atmospheric Administration, in consultation with the Council, shall formulate a process by which—

(1) funding is made available for intramural and extramural research on new technologies for collecting data regarding coastal and ocean waters of the United States;

(2) such technologies are tested including—

(A) accelerated research into biological and chemical sensing techniques and satellite sensors for collecting such data; and

(B) developing technologies to improve all aspects of the observing system, especially the timeliness and accuracy of its predictive models and the usefulness of its information products; and

(3) funding is made available and a plan is developed and executed to transition technology that has been demonstrated to be useful for the observing system is incorporated into use by the observing system.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the Interagency Oceans Observation Committee, a common infrastructure, and system integration for a coastal and ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OTHER LAWS.

Nothing in this Act supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of this Act, $150,000,000 for each of fiscal years 2009 through 2011 and $175,000,000 for each of fiscal years 2012 and 2013. At least 50 percent of these sums shall be allocated to the regional associations certified under section 4(f) for implementation of regional coastal and ocean observing systems.

SEC. 9. IMPLEMENTATION PLAN.

Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress and the Council a plan for implementation of this Act, including for—

(1) coordinating activities of the Secretary under this Act with other Federal agencies; and

(2) distributing, to regional associations, funds available to carry out this Act.

SEC. 10. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this Act.

(b) CONTENTS.—The report shall include the following:

(1) A description of activities carried out under the implementation plan and this Act.

(2) An evaluation of the effectiveness of the observing system.

(3) Benefits of the program to users of data products resulting from the observing system (including the general public, industry, scientists, resource managers, emergency responders, policy makers, and educators).

(4) Recommendations concerning—

(A) modifications to the observing system; and

(B) funding levels for the observing system in subsequent fiscal years.

(5) The results of a periodic external independent programmatic audit of the observing system.

By Ms. SNOWE (for herself, Mr. INOUYE, and Mr. ROCKEFELLER):

S. 172. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 172

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 ''NOAA Ocean Exploration and Undersea Research Program Act of 2009''.

TITLE I—OCEAN EXPLORATION

SEC. 101. PURPOSE.

The purpose of this title is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 102. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 103. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 102, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 105;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 104. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.— The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 105. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 103(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in this title supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 202. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 203. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 204. RESEARCH, EXPLORATION, EDUCATION AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and

Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 205. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 203 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

By Mr. FEINGOLD:

S. 175. A bill to evaluate certain skills certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a straight-forward bill that is a first step toward helping American workers and businesses. This bill is part of my E–4 Initiative, which focuses on issues affecting the economy, energy, education and employment. The Skills Standards Certification Evaluation Act will require the Secretaries of Labor, Education and Commerce to evaluate skills standards certification programs that have been developed with federal funding.

Skills Standards Certifications have emerged over the past two decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills are often applicable more widely.

As the President-elect and Congress work to save and create jobs through additional funding for infrastructure, green jobs, and similar programs, among other things, it is even more critical that employers be able to find qualified workers for a variety of positions. Workers who can easily demonstrate their skills quickly and easily will be able to benefit from such investments early on.

Over the past two decades, the Federal Government has taken conflicting approaches to skills standards certifications. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help state and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard-working Americans obtain and use high-demand work skills.

By Mr. FEINGOLD:

S. 176. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I reintroduce a piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. This piece of the E4 legislation focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy and is all the more important in these difficult economic times.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. It is also why in a letter I sent to President-elect Obama and Senate leaders I included highway and transit projects as part of a variety of ready-to-go infrastructure projects that should be included in the forthcoming economic recovery program.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting

public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While initially this may have been viewed as a way to support reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable vehicle or bus service in the area, an absence of local jobs, or childcare transportation problems. The State agencies in Wisconsin have found several different types of projects to be effective depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from childcare facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago, UIC, study found that the societal benefits from this program are $1.65 per dollar spent and estimates lifetime benefits to low income participants of $15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has been found to be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, JARC could use a boost in funding. So that is why my proposal ramps up funding by $100 million over 5 years from the current funding of $165 million to $265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at $10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more fully before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden right.

The second part of the pilot program focuses on improving education- and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a lifelong positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the disabled, one targeted toward the elderly and another focused on jobs, this pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for healthcare-related transportation. Similarly, the needs of employers for employees do not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA–21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

By Mr. FEINGOLD:

S. 177. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for these programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. FEINGOLD. Mr. President, we are all aware of the serious challenges our economy faces in the short term and the urgency of our need to promote job creation and economic development. I am committed to engaging in this broad effort with my colleagues on both sides of the aisle. But it is essential that our efforts not just be short term fixes—they must not only aim to create jobs and investment opportunities in the short term, they must be part of strategic efforts to strengthen our Nation's innovation capabilities and sustain long term economic development in a changing and competitive global environment. There is no better way to do this than by stimulating and supporting small business innovation, especially in areas of national priority. As part of this effort, today I am introducing the Strengthening Our Economy Through Small Business Innovation Act of 2009.

Job growth, innovation and economic development are driven by our small

businesses. Small businesses also tend to be based in our cities and communities and so they are major contributors to our local economies. Half of our county's payroll jobs and most of our new job opportunities are provided by small businesses. Small businesses are proven innovators and drive commercialization of cutting edge technologies. Not only are small businesses our major source of employment, they employ about one third of our country's scientists and engineers and generate more patents on a per capita basis than large businesses and universities. They also are effective partners with universities to enhance product creation, develop university income and attract university graduates and faculty through increased innovative job opportunities.

Over the last 25 years, through the Small Business Innovation and Research program, SBIR, and, more recently, the Small Business Technology Transfer program, STTR, up to 2.5 percent and 0.3 percent, respectively, of Federal R&D funds from 11 Federal agencies have been specifically allocated to our Nation's small businesses to fund innovation. These small business allocations are not sufficient. We must diversify and strengthen innovation capabilities and our economic base, and to accomplish this we must extend and increase R&D allocations to our Nation's innovative small businesses.

My bill does 3 things. First, it extends the SBIR and STTR programs for a further 14 years so that small businesses, as well as universities and nonprofit research organizations that collaborate with small businesses, can continue to leverage Federal research and development funding.

Second, it significantly increases the allocation of funds and the awards from large Federal research and development budgets to small businesses through the SBIR and STTR programs. It would increase the SBIR allocation from its current 2.5 percent to 10 percent and the STTR allocation from 0.3 percent to 1.0 percent over a 3-year period. It would increase SBIR phase I awards from $100,000 to $300,000 and phase II awards from $750,000 to $2.2 million. Third, it identifies specific funding priorities for energy innovation; safe and secure water; domestic security; and transportation.

The SBIR program is tested, successful and worthy of extension. In its comprehensive study of the SBIR program, the National Research Council found that the program ''is sound in concept and effective in practice''; was ''stimulating technological innovation''; ''linking universities to the public and private markets''; ''increasing private sector commercialization of innovations'' at an ''impressive'' rate; and ''providing widely distributed support for innovation activity.'' The study concluded that:

[T]he program is proving effective in meeting Congressional objectives. It is increasing innovation, encouraging participation by small companies in R&D, providing support for small firms owned by minorities and women, and resolving research questions for mission agencies in a cost effective manner. Should the Congress wish to provide additional funds for the program in support of these objectives, those funds could be employed effectively by the nation's SBIR.

The NRC's study also found that universities and other non-profit research institutions would benefit significantly from the increase in both the SBIR and the STTR programs. In particular, the STTR allocation increase will directly benefit universities and efforts to bring university-based research into the commercial marketplace, as a partnership with a non-profit research institution, such as a university, is a requirement of all STTR award recipients. Many of the small businesses that receive SBIR funding are rooted in the university infrastructure so investigators and graduates from universities will have opportunities to be part of commercial developments. More than two-thirds of SBIR companies report that at least one founder was previously an academic. About one-third of SBIR company founders were most recently employed as academics before founding the company. Over a third of SBIR projects cite direct university involvement with 27 percent of projects having university faculty as contractors on the project, 17 percent using universities themselves as subcontractors, and 15 percent employing graduate students.

In its report accompanying reauthorization legislation, the Senate Small Business and Entrepreneurship Committee recently concluded that:

increases in the SBIR allocation will invest money in research, contracting, internships, and other collaborative activities done with universities, with the contracting and patenting activities with SBIR companies being a sizable source of revenue for universities as well. The university-industry partnerships that SBIR creates are crucial in that they provide an applied research and commercialization focus that otherwise likely would not be present in university research. More specifically, the partnerships are important in exposing faculty and the next generation of scientists and engineers to commercial research and development. SBIR businesses provide graduate and undergraduate students with hands-on experience and job opportunities that universities would be unable to provide alone.

Our country not only faces immediate economic and employment challenges, it faces major challenges in transportation, energy, domestic security and water quality and safety. Targeted research and development will be critical. Congress, with non-partisan expert guidance, has a role to play in guiding our national research and development priorities and, in this case, stimulating small business innovation and job creation in specific areas of critical national need. The National Academies of Science and other independent government research organizations provide us with carefully researched and considered recommendations on how we can address these priorities, so my bill draws on their recommendations to develop innovative energy technologies; enhance water quality and security; strengthen domestic security; and address transportation priorities. This is not only a good investment in short term job creation; it is an imperative investment in our Nation's long term innovation prospects and economic development.

The costs of my bill would be fully offset by cancellation of the airborne laser program. CBO estimates that cancelling that program will produce savings of over $2.6 billion.

By Mr. FEINGOLD:

S. 178. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, as the 111th Congress begins, I am reintroducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4 because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. These challenging economic times call for a comprehensive set of solutions including providing new job training opportunities for workers, fostering innovation among small businesses, protecting the existing family-supporting jobs in our nation, and boosting educational opportunities for young Americans. Today I am introducing the Connecting Education and Emerging Professions Act of 2009, which provides competitive grants to States and local school districts to promote better collaboration between high schools and local businesses and workforce development groups. This E4 education initiative is designed to help prepare America's students for future success in the workforce and post-secondary education as well as enhance America's competitiveness in the global economy as we prepare to enter the second decade of the twenty-first century.

Helping to ensure that all American students have access to a high-quality education is critical to boosting America's competitiveness and helping to ensure that our country is better equipped to respond to the economic challenges currently before us. Investment in our young people now will pay off in the future when these individuals are better prepared to compete for the highly skilled jobs of tomorrow. If the United States is to remain competitive on an international stage and continue to lead the world in innovation and development, we need to make certain that our young people are well prepared to meet current and future economic challenges.

Improving educational opportunities in the United States is going to require

a comprehensive set of policy strategies and I look forward to working with my colleagues in Congress this year as we get to work on a variety of education issues including expanding access to education from pre-K through college. We also face the monumental task of reauthorizing and reforming the Elementary and Secondary Education Act, ESEA, better known as No Child Left Behind, NCLB. As we consider the ESEA reauthorization, we should make substantial changes to the testing mandates that were imposed through NCLB and provide support to states that develop smarter accountability systems with enhanced assessments that measure higher-order thinking skills among students. We also need to look at ways to strengthen and reform our Nation's public secondary schools as part of the ESEA reauthorization. The legislation I am introducing today is designed to help support innovative changes that are taking place in some of our Nation's high schools and help even more States and local communities make improvements to their local high schools.

My CEEP bill seeks to address a couple of interrelated issues related to secondary education. The first issue is the alarmingly high dropout rate in our nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and that about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our nation's urban school districts report very high dropout rates, including the Milwaukee Public School District. According to the Cities in Crisis report released in 2008 by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a Nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low-income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the federal, state and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our nation's students why it is so important that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our nation's high school students who do graduate are unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, my bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both academically and practically. States and local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculums and programs designed to teach the academic and work-based skills that are necessary to succeed in these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to moving this legislation forward this year as the new Congress begins to debate how best to boost educational opportunities for all of our Nation's children. We have a significant achievement gap and graduation gap in urban, rural, and suburban schools throughout the country and it is imperative that we work together to promote innovative ideas that will close these gaps. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alternative energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

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

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

S. 178

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 ''Connecting Education and Emerging Professions Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences during secondary education, such as apprenticeships, are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower secondary school graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, secondary school dropout rate reduction, and higher earning potential for secondary school graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, workforce development organizations, labor organizations, and other nonprofit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

"Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program

"SEC. 5621. DEFINITIONS.

"In this subpart:

"(1) COVERED COMMUNITY.—The term 'covered community' means a town, city, community, region, or State that has—

"(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

"(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) a State educational agency, a consortium of local educational agencies, or a local educational agency that collaborates with—

"(i) a State, regional, or local business, including a small business, that serves a covered community in which a qualifying school is located; or

"(ii) a regional workforce investment board that serves a covered community in which a qualifying school is located; and

"(B) at least 1 of the following entities:

"(i) An institution of higher education that provides a 4-year program of instruction.

"(ii) An accredited community college.

"(iii) An accredited career or technical school or college.

"(iv) A tribal college or university.

"(v) A nonprofit community organization.

"(vi) A labor organization.

"(3) EMERGING INDUSTRY PATHWAYS.—The term 'emerging industry pathways' means industry careers that—

"(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

"(B) require new academic skill sets because of new technology or innovation in the field;

"(C) are important to the growth of the State economy, regional economy, or local area's economy; and

"(D) may include—

"(i) green industries;

"(ii) healthcare industries;

"(iii) advanced manufacturing industries; and

"(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

"(4) QUALIFYING SCHOOL.—The term 'qualifying school' means a secondary school that—

"(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

"(B) has a graduation rate that is lower than the State average; and

"(C) is located in a covered community.

"(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term 'school- and work-based curriculum or program' means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

"(6) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' means an educational institution that is—

"(A) a tribal college or university, as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978; or

"(B) one of the 1994 Institutions, as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

"SEC. 5622. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts appropriated under section 5626, the Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

"(b) PROGRAM PERIODS.—

"(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

"(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and designing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

"(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

"(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

"(2) OVERLAP.—Each eligible partnership receiving a grant under this subpart may carry out subparagraphs (A), (B), or (C) concurrently.

"(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

"(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

"(2) serve qualifying schools the majority of which have secondary school dropout rates in the top 25 percent statewide;

"(3) pledge to serve the students most at-risk of dropping out of qualifying schools;

"(4) develop school- and work-based curricula or programs serving green industries, health care industries, and advanced manufacturing industries; or

"(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges or universities, labor organizations, and other nonprofit community organizations.

"SEC. 5623. APPLICATIONS.

"An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the eligible partnership, including the responsibilities of each partner and how each partner will meet its responsibilities;

"(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

"(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

"(4) a description of how the eligible partnership will engage students from qualifying

schools to be served in the design and implementation of the school- and work-based curriculum or program;

''(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

''(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

''(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

''(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students' readiness to enter into a career in an emerging industry or pursue postsecondary education;

''(9) a description of how the eligible partnership will design a school- and work-based curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

''(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

''(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

''(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

''(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

''(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

''(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

''SEC. 5624. PROGRAM ADMINISTRATION.

''(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

''(1) consider the information submitted by the eligible partnerships under section 5623;

''(2) prioritize applications in accordance with section 5622(c); and

''(3) select eligible partnerships that submit applications in compliance with section 5623.

''(b) AWARD AMOUNTS.—

''(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant under this subpart in an amount of not more than $5,000,000.

''(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

''(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

''(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

''(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

''(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

''(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

''(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

''(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

''(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

''(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

''(d) ELIGIBLE USES OF FUNDS.—

''(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the designing phase for the following:

''(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from nonprofit organizations.

''(B) Identifying emerging industry pathways at the State, regional, or local level.

''(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

''(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

''(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

''(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

''(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

''(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

''(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

''(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

''(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

''(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

''(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

''(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

''(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

''(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

''(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

''(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

''(B) Disseminating the school- and work-based curriculum or program to—

''(i) the National Research Center for Career and Technical Education;

''(ii) State, regional, and local professional education organizations; and

''(iii) institutions of higher education.

''(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount equal to—

''(1) for the first year of the grant, 5 percent of the amount of the grant for such year;

''(2) for the second year of the grant, 10 percent of the amount of the grant for such year;

''(3) for the third year of the grant, 15 percent of the amount of the grant for such year;

''(4) for the fourth year of the grant, 20 percent of the amount of the grant for such year; and

''(5) for the fifth year of the grant, 25 percent of the amount of the grant for such year.

''(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education programs or career and technical education programs.

''SEC. 5625. EVALUATION AND REPORTS.

''(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

''(1) how the State educational agency or local educational agency that is a member of the eligible partnership collaborated with local businesses, workforce boards, institutions of higher education, and community

organizations to assess emerging industry pathways;

''(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

''(3) the effectiveness of the school- and work-based curriculum or program with respect to improving—

''(A) student engagement;

''(B) attendance;

''(C) secondary school graduation rates; and

''(D) preparation for and placement in a career in an emerging industry or in postsecondary education;

''(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

''(5) any other information the Secretary may reasonably require.

''(b) FINAL REPORTS.—

''(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

''(A) The number and percentage of students served by the eligible partnership who—

''(i) graduated from secondary school with a regular secondary school diploma in the standard number of years;

''(ii) entered into a job in an emerging industry; and

''(iii) enrolled in a postsecondary institution.

''(B) The emerging industry pathways school- and work-based curriculum or program and the—

''(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in secondary school graduation rates in qualifying schools utilizing the school- and work-based curriculum or program;

''(ii) areas of improvement for the school- and work-based curriculum or program;

''(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

''(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

''(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary and the National Research Center for Career and Technical Education.

''(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

''(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

''(2) submit a report to Congress—

''(A) detailing aggregate data on—

''(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

''(ii) the impact of the grants on—

''(I) student engagement, attendance, and completion of secondary school; and

''(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and

''(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and

''(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

''SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration within the Departmental Management account in the Department of Education for each of fiscal years 2010 through 2013, there are authorized to be appropriated $25,000,000 for each of fiscal years 2010 through 2013, respectively, to carry out this subpart.

''(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

''SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

''Sec. 5621. Definitions.
''Sec. 5622. Program authorized.
''Sec. 5623. Applications.
''Sec. 5624. Program administration.
''Sec. 5625. Evaluation and reports.
''Sec. 5626. Authorization of appropriations.''.

By Ms. STABENOW (for herself and Ms. SNOWE).

S. 179. A bill to improve quality in health care by providing incentives for adoption of modern information technology, to the Committee on Finance.

Ms. STABENOW. I am very pleased to introduce the Health Information Technology Act with my friend and colleague from Maine, Senator SNOWE. As co-chairs of the Senate Health Care Quality Improvement and Information Technology Caucus, we have seen firsthand the transformative power information technology has on the delivery of health care.

Our legislation is a substantial downpayment in building up our Nation's health information network and an important step in reforming health care. In doing so, we will reduce costs for our businesses, improve the quality of care for patients, and ensure health providers have access to the most accurate information. And I am very excited that President-elect Obama identified health IT as an important part of investing in our Nation's economy.

The result of using 19th century technology in a 21st century health care system is higher costs, increased errors, and decreased quality of care. Too often, care is duplicated or the best and most appropriate care isn't given. Our health care professionals can't possibly provide the best care if they don't have complete and accurate information about the patient sitting in front of them.

Many studies have found that as much as $300 billion is spent each year on health care that does not improve patient outcomes on treatment that is unnecessary, inappropriate, inefficient, or ineffective. For example, in last year's series of health reform hearings in the Senate Finance Committee, we heard testimony from Elizabeth McGlynn of the RAND Corporation that we only receive 55 percent of recommended preventive care services, 54 percent of recommended care for acute health problems, and 56 percent of the care that doctors agree is necessary for people with chronic conditions when we seek medical treatment.

It's long past time that we fully utilize technology to make health care accessible and affordable for every family and business. However, most of our Nation's health care providers don't have access to capital in order to purchase information technology and service updates. Too many providers, especially our safety-net providers, are having a hard enough time just keeping up with their daily costs, much less to invest in something new.

A March 2001 Institute of Medicine study concluded that in order to improve quality, there must be a national commitment to building an information infrastructure. An October 2003 Government Accountability Office report found that the benefits of an electronic healthcare information system included improved quality of care, reduced costs associated with medication errors, more accurate and complete medical documentation, more accurate capture of codes and charges, and improved communication among providers enabling them to respond more quickly to patients' needs.

By providing the most appropriate care at the most appropriate time in a safe, secure way, we can reap huge savings. A January 2005 Report by the Center for Information Technology Leadership found that moving to standardized health information exchange and interoperability would save nearly $80 billion annually in the United States.

The benefits of adoption and use of health care information technologies, systems and services will be widespread: employers will realize cost savings, clinicians will gain new electronic support tools and patient information to help guide medical decisions, and patients will benefit from a more efficient health care system and from a safer health care system with fewer unnecessary treatments and more attention to preventive care.

We know that adoption of health information technology can play a critical role in improving patient outcomes and at the same time greatly reduce costs. But it can't happen without the federal government playing a role. The members of the Health Information Technology Leadership Panel concurred that without federal leadership, neither their individual companies nor the industrial sector as a whole can achieve the breadth of HIT adoption that would be required to realize the needed transformation of health care.

Our country must have a national commitment to building an information infrastructure, and the Federal Government needs to step up to the plate and provide much-needed funds to get the ball rolling. Without health IT, we are not going to be able to accomplish other reforms necessary to improve our health care system. That is

why I am fighting for funding similar to the legislation we are introducing today, will be included in the economic recovery act we will soon be debated.

The sooner we get them into our hospitals, physician offices, nursing homes, community health centers, community mental health centers, and other health care providers, the sooner our patients, providers, and pocketbooks will see the rewards.

Ms. SNOWE. Mr. President, today I join my colleague, Senator STABENOW of Michigan, to introduce the Health Information Technology Act of 2009 to improve the quality of health care through the implementation of information technology, IT, in hospitals, health centers and physician practices throughout the country. Our legislation will help us address two critical issues.

The first is the serious patient safety problem facing our Nation. Indeed, if most Americans were told today that 98,000 lives were lost needlessly last year—and a cure was available—they would undoubtedly call for action. Yet the Institute of Medicine, IOM, has reported that medical errors inflict that terrible toll every year, even though the technology is at our disposal to dramatically reduce those deaths.

A second major problem is the escalating cost of health care. Health spending now comprises over 16 percent of GNP—$2.2 trillion last year—and the price of a health plan has grown so high that 70 million Americans today are either underinsured or lack any coverage whatsoever. That group expands as unemployment rates increase and individuals and families lose health insurance tied to employment. A recent Urban Institute study found that for each 1 percentage point increase in unemployment 1 million Americans are added to the rolls of the uninsured. However, simply expanding government subsidies or entitlements alone is not the answer, because on our current trajectory, escalating costs will erode our ability to maintain such supports. It is clear that some fundamental changes must be made in health care to combat rising health care costs.

Bold changes and innovations are necessary to address both medical errors and escalating costs. One of those changes must be the application of modern data technology. Most of us have been told at one time or another, ''we're waiting to get the test results mailed'' or ''we're still waiting for your chart.'' Consider the savings we realize when a physician can locate information efficiently so that tests don't have to be repeated and data isn't delayed. A patient obtains faster, higher quality care when multiple practitioners can review diagnostic test results right at their desktops. The fact is the health care industry is one of the last sectors where information flows so slowly. Indeed, it is often easier to track the service history on one's automobile than to see your own health history. In an age where millions of Americans share family pictures over the Internet in seconds, isn't it long past time that a physician should be able to retrieve an x-ray just as easily?

Today, the technological tools are at hand to dramatically reduce medical errors and save lives. Many of us have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards, and there are so many other applications which can also improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease to reduce avoidable adverse outcomes. The unfortunate reality is that the cost of new systems and a lack of standards have prevented us from reaping the benefits of new technologies.

While the current economic crisis has surely put a focus on addressing the inefficiencies and high costs of health care, I have long shared a determination to modernize health information with my colleagues. In 2003, I joined with Senator Bob Graham to introduce the ''Medication Errors Reduction Act of 2003'' to make grants of up to $750,000 available to hospitals and nursing facilities to aid in implementation of health IT infrastructure. In 2005, Senator STABENOW and I offered our bill to create a $4 billion competitive grant program and tax incentives to enable hospitals, skilled nursing facilities, community health centers and physicians to invest in health IT.

The President-elect shares our recognition of the critical role which information technology must play in transforming health care. In his campaign, he acknowledged the critical need to make technology implementation a priority.

A lack of standards to ensure interoperability has been a factor in slowing IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that—no matter what may happen in the future to a vendor—the investment one makes in building an electronic medical record won't be wasted. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. When a patient moves, their electronic ''chart'' should be able to move right along with them to prevent disruption in the continuity of their care—in other words ''we must have interoperability.''

Yet standards alone are not sufficient, as there are fiscal hurdles to implementing health IT. Today, many providers are struggling to adopt new technology, and for those who serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult. Our physicians, for example, have seen recent Medicare payment updates which have not even kept pace with inflation—even as we expect them to make a major investment in health IT.

We must also recognize there is a misalignment of fiscal incentives for health IT. The benefits to patients are evident—in fewer delays, in better outcomes, in lives saved. Modern information technology reduces costs as well, but primarily to those who pay for services—not for the healthcare providers who must bear the burden of implementation. Indeed, it has been estimated that 89 percent of cost savings accrue to those who pay for services. It should be obvious then that the federal government would invest in health IT to both improve health outcomes and to reduce its expenditures on Medicare, Medicaid and SCHIP.

That is precisely the type of investment the Health Information Technology Act of 2009 would achieve. Because as we look to the many studies and reports on health IT, it is clear that annual cost savings can actually exceed the price of implementation. With that kind of return, it is indisputable that the federal government must employ health IT to see not only the savings in lives, but also better management of our health care spending.

Our legislation spurs adoption by providing grants to physicians, hospitals, long term care facilities and both federally-qualified health centers and community mental health centers. These grants are targeted to help provide the health IT resources providers need to serve our federal beneficiaries. In fact, the size of an allowable grant for each provider is keyed to the proportion of the patient care which they deliver to federal beneficiaries. This will help providers deliver better care to those on Medicare, Medicaid and SCHIP while we also see costs reduced in those programs. That is simple common sense.

The legislation supports reasonable expenditures for a variety of costs required to implement health care information technology. These include such components as computer hardware and software in combination with installation and training. In addition for a system to be suitable for support under this legislation, we require that it must meet the HHS Secretary's interoperability standards.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system. We will thus assure that every type of provider has a meaningful opportunity to invest in moving their health care practice into the new millennium. With the development of a 21st century health technology system, we will ensure that providers have the appropriate tools to effectively provide the best quality health care at reasonable cost.

As the current Congress struggles with matters related to the ailing economy, many Americans are finding it exceedingly difficult to access health care which they find to be both expensive and inefficient. While it is clear

that health IT alone will not reduce all excessive costs or address every inefficiency, one must understand that the only way to achieve either goal is to have access to the type of coordinated information that a fully integrated health care system would provide. In fact, the information we will obtain through health IT is essential to achieve such goals as improving quality and reforming provider payment. This is the foundation for our work on health reform.

When the Medicare and Medicaid programs began, we could have only dreamed about computerized clinical information systems. Today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. In fact, as we face challenges in the financing of these vital federal programs, this is exactly the sort of initiative which will enable us to achieve the fundamental improvements to make our health entitlements more fiscally secure.

I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. REID, Ms. SNOWE, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

Mr. KENNEDY. Mr. President, I'm proud to join Senator MIKULSKI in introducing this legislation. Equal pay for equal work is a fundamental civil right. Over the past 4 decades, America has made enormous progress toward ensuring that all its people have an equal chance to enjoy the benefits of this great Nation. Bipartisan civil rights bills have been enacted to expand and strengthen the law to ensure fair pay for all workers. Despite these advances, civil rights is still America's unfinished business. It is therefore fitting that we open the 111th Congress with introduction of the Lilly Ledbetter Fair Pay Act.

This bill will restore the basic right of all workers, regardless of their race, sex, religion, national origin, age, or disability, to be paid fairly, free from discrimination. It will restore workers' rights to challenge ongoing discrimination and hold unscrupulous employers accountable.

This legislation is needed because the Supreme Court turned back our Nation's progress on equal pay with its Ledbetter decision, which undermined a core protection of Title VII of the Civil Rights Act of 1964 and overturned decades of precedent that had established a fair, workable rule for challenging pay discrimination claims.

This needed bill will restore the longstanding rule that each discriminatory paycheck is a separate wrong that may be challenged by workers within the required period after receiving the check. In the Ledbetter case, a jury had found that Lilly Ledbetter was paid less than her male coworkers because she was a woman. The jury awarded back pay to Ms. Ledbetter, but the Supreme Court reversed that award, holding that she had waited too long and should have filed her lawsuit within a short time after Goodyear first began discriminating against her. Never mind that the company discriminated against her for decades, and that the discrimination continued with each new paycheck she received.

Far too often, workers like Lilly Ledbetter put in a fair day's work, but go home with less than a fair day's pay. Women, African-American, and Latino workers all earn a fraction of what white male workers make. Many qualified older workers and workers with disabilities also are paid less than their coworkers for reasons unrelated to their performance on the job.

It's more important than ever that we attack the problem of pay discrimination and correct the injustice caused by the Ledbetter decision. In the current economic crisis, millions of American workers are struggling to make ends meet. Pay discrimination makes that struggle harder, and workers can't afford to lose more economic ground. To protect these workers, we must move quickly to pass the Lilly Ledbetter Fair Pay Act.

I urge my colleagues, Republicans and Democrats alike, to do so, and to send a strong signal that this new Congress is dedicated to standing up for fairness and equality in the workplace. The Lilly Ledbetters of our Nation deserve no less.

Mr. LEAHY. Mr. President, I am pleased to join Senators MIKULSKI, KENNEDY, SNOWE and others in introducing the Lilly Ledbetter Fair Pay Restoration Act of 2009. This legislation is long overdue and I am pleased that the majority leader will try again to move this legislation in the opening days of this new Congress. The Supreme Court's divided decision in Ledbetter v. Goodyear Tire struck a severe blow to the rights of working families across our country. More than 40 years ago, Congress acted to protect women and others against discrimination in the workplace. In the 21st century, equal pay for equal work should be a given in this country. Unfortunately, the reality is still far from this basic principle. American women still earn only 77 cents for every dollar earned by a male counterpart. That decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women.

For nearly 20 years, Ms. Ledbetter was a manager at a Goodyear factory in Gadsden, Alabama. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost $225,000 in back pay. However, 5 members of the Supreme Court overturned her jury verdict because she had filed her lawsuit more than 180 days after her employer's original discriminatory act.

I was honored to invite Ms. Ledbetter to testify at a Judiciary Committee hearing I chaired in September to examine how the Supreme Court's recent decisions have affected the lives of ordinary Americans. Ms. Ledbetter's case is but one example of how the Supreme Court has dramatically misinterpreted the intent of Congress and offered a liability shield to corporate wrong-doers.

This decision is yet another example of the Supreme Court's increasing willingness to overturn juries who hear the factual evidence and decide cases. A recent study revealed that in employment discrimination cases, Federal courts of appeal are 5 times more likely to overturn an employee's favorable trial verdict against an employer than they are to overturn a verdict in favor of the corporation. That is a startling disparity for those of us who expect employees and employers to be treated fairly by the judges sitting on our appellate courts.

In the 110th Congress, the House passed the bipartisan Lilly Ledbetter Fair Pay Act by a vote of 225–199. In the Senate, despite the support of 57 Senators who urged its consideration, the majority of Republican Senators objected to even proceeding to consideration of this bipartisan measure. One

Republican Senator who supported the filibuster introduced an alternative bill, claiming to offer a solution for victims of pay discrimination. In reality, that partisan alternative proposal would fail to correct the injustice created by the Ledbetter decision. At the Judiciary Committee hearing in September, Ms. Ledbetter confirmed that the alternative bill would not have remedied her case, but instead would have imposed additional burdens and increased the costs of her litigation.

Congress passed Title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin—however the Supreme Court's cramped interpretation of this important law contradicts Congress's intent to ensure equal pay for equal work.

This Supreme Court decision goes against both the spirit and clear intent of Title VII of the Civil Rights Act, and sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed by employers.

Equal pay is not just a women's issue, it is a family issue. With a record 70.2 million women in the workforce, wage discrimination continues to hurt the majority of American families. As a working mother, the discrimination inflicted on Ms. Ledbetter affected her entire family and continues to affect her retirement benefits. As the economy continues to worsen, many Americans are struggling to put food on the table and money in their retirement funds. It is regrettable that recent decisions handed down by the Supreme Court and Federal appellate courts have contributed to the financial struggles of so many women and their families. In the next weeks, I hope we can act to overturn the wrongly-decided Ledbetter decision to prevent the devastating consequences of pay discrimination.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR:

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing four bills, S. 187, S. 188, S. 189, S. 190, that will preserve and protect majestic public landscapes in Colorado and help provide needed water supplies to communities and farmers on Colorado's productive Eastern Plains. These bills were introduced in the last session of Congress, where they each had hearings and one passed the U.S. House of Representatives. I hope that we can work together to move these bills in this Congress and see them signed into law.

I ask unanimous consent that the text of all four bills be included in the RECORD and be printed alongside these remarks.

The first bill is the Arkansas Valley Conduit Act of 2009. This bill will help protect the water supply for the Arkansas River Valley's communities and its productive agricultural lands by advancing the construction of the long-planned Arkansas Valley Conduit. The bill will restructure the cost-share provisions of the project and is similar to legislation introduced in the last Congress by Senators Wayne Allard and KEN SALAZAR and introduced yesterday in the U.S. House of Representatives by Reps. JOHN SALAZAR and BETSY MARKEY.

The Arkansas Valley Conduit, a proposed 130-mile water delivery system from the Pueblo Dam to communities throughout the Arkansas River Valley, was originally authorized in 1962 as part of the Fryingpan-Arkansas, Fry-Ark, project. Unfortunately, the authorization did not include a Federal-local cost-share provision necessary to cover the estimated $300 million in construction costs, and local communities—especially those in southern Colorado—do not have the resources to shoulder all of the costs. The project has thus remained unfinished for over 4 years.

The bill will provide for a 65–35 Federal-local cost-share for completion of the project, with revenues from so-called ''excess-capacity'' contracts for water storage in other Fry-Ark project facilities being used to fund the majority of the local contribution. This approach is the result of close collaboration between community stakeholders and the Colorado congressional delegation and will ensure communities in the Arkansas River Valley can finance their portion of the project without incurring unbearable financial burdens.

Moreover, the bill will allow the Bureau of Reclamation to move forward with the construction of the Conduit. The depressed economic status of southeastern Colorado made it a difficult financial undertaking for the region, a challenge that continues today. This bill will help see this facility become a reality and thereby help the farming and ranching communities in the valley continue to produce needed food and fiber for the state and Nation.

The second bill I am introducing today is the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced similar bills in the U.S. House of Representatives in the 107th, 108th, 109th and 110th Congresses. In previous Congresses, the bill passed the House and the Senate Energy and Natural Resources Committee but did not receive final action.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern Denver-metro area and the region just west of Rocky Flats. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation. The open-space character of this mountain backdrop is an important aesthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also increasing pressure for development of other lands within and adjacent to that national forest.

We can see the effects of rapid population growth throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling through valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountaintops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents to Colorado. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities in preserving open space along the backdrop and aims to assist further efforts along the same lines.

The bill directs the U.S. Forest Service to study the ownership patterns of the lands comprising the Front Range mountain backdrop, identify areas that are at risk, and recommend to Congress how these lands might be protected and how the Federal Government could help local communities and residents to achieve that goal. Importantly, I note that the bill does not interfere with the power of local authorities regarding land use planning or infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service

to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with Federal lands, it will work in collaboration with local communities, the state and private parties.

I strongly believe it is in the national interest for the Federal Government to assist local communities to identify ways to protect the mounatin backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

The third bill I am introducing today—the National Trails System Willing Seller Act—will allow people who want to sell land for inclusion in certain units of the National Trails System to do so. Current law prohibits people who own land associated with several units of the trail system from selling those lands to the Federal Government for inclusion in those units. This bill will allow such sales to happen.

This legislation is identical to bills introduced in previous Congresses by my former Republican colleagues from Colorado, Representatives Beauprez and McInnis. The Trail System units covered by the bill are the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North County National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail.

Our national trails are a national treasure, and we should allow people who own land along these trails to sell that land to the Federal Government to be part of our public lands legacy. But it is important to make clear that these land sales are from willing sellers, which is what this bill will do. This bill makes a small but important adjustment to current law, and I think it deserves the support of all Members of the Senate.

The final bill I am introducing today is the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, which will designate nearly 250,000 acres of Rocky Mountain National Park as wilderness. I introduced this bill in the 110th Congress as a member of the House of Representatives. It was cosponsored in the Senate by my colleague Senator KEN SALAZAR, and eventually by the Colorado Congressional delegation. Over a period of months, we worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country. This is a public lands policy goal that goes back to the 1960s, and is long overdue.

This bill is consistent with the Colorado Congressional delegation's efforts in the last Congress to strike a balance in protecting the park and the water users who rely on the Grand River Ditch. This carefully negotiated language met the needs of those users, but questions have been raised about the particular way that liability and water use issues were addressed in the delegation bill. Specifically, there have been questions about how these provisions work in the context of the Park Resources Protection Act. While I am confident that my bill addresses these liability concerns, I appreciate the recent efforts by Senator SALAZAR to offer a slightly different approach that provides a path to a widely-shared goal that has broad support in Colorado.

The wilderness designation in this bill for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the park are included in the wilderness that will be designated by this bill. At the same time, the wilderness boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to ensure that there will be no adverse effects on continued use of existing water facilities.

The lands designated as wilderness will become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that—no new reclamation projects will be allowed in the wilderness area; nothing in the bill will create a ''buffer zone'' around the wilderness and non-wilderness activities visible or audible from within the wilderness will not be prohibited; the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bill is similar to measures previously introduced by my predecessor in the House of Representatives, Representative David Skaggs, as well as other bills introduced before that, and legislation I introduced in the 107th, 108th, and 109th Congresses. However, it does include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

Like H.R. 2334 of the 110th Congress, the new bill includes wilderness designation of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character, and their designation will not conflict with any current uses. On the west side, the town of Grand Lake and Grand County requested that about 650 acres inward from the park boundary around the town be omitted from the wilderness designation in order to allow the park to respond to potential forest fire threats. As was the case previously, this bill accommodates that request.

Also like that previous measure, the bill responds to the request of the Town of Grand Lake, Grand County and the Headwaters Trails Alliance, a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking, and the International Mountain Bicycling Association to omit from wilderness designation an area along the western park boundary, running south along Lake Granby from the town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, the bill expands the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which is accordingly reduced by about 1,000 acres.

As did the previous bill, this bill includes a section that authorizes the National Park Service to lease an 11-acre property, the Leiffer tract, that was donated to the National Park Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows leasing only for ''property administered . . . as part of the National Park System,'' and this property does not qualify. The bill allows the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bill addresses the question of possible impacts on water rights—something that can be a primary point of contention in Congressional debates over designating wilderness areas. It reflects the legal

reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself. And it reflects the geographic reality that the park sits astride the continental divide, meaning there is no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these legal and practical realities, the bill includes a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and an explicit disclaimer that the bill effects any such reservation.

As I mentioned, there are also provisions in this bill that deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park. The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and the bill provides that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act which now applies to any damage to park resources will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch remain liable for damage to park resources caused by negligence or intentional acts, and the bill specifies that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the bill's enactment. In addition, the bill specifies that its enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of the bill's enactment. The bill also provides that use of water transported by the ditch for a main purpose or main purposes other than irrigation will not terminate or adversely affect the ditch's right-of-way.

The matters dealt with in this bill have a long history. The wilderness designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of wilderness legislation. One Colorado statewide wilderness bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing wilderness designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

Lands covered by the bill are currently being managed to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas, there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain National Park sees nearly the same number of visitors each year. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

In summary, the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. It is bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a remarkable place to live. So, I think it deserves prompt enactment.

Mr. President, I ask unanimous consent that the text of each bill be printed in the RECORD.

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

S. 187

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 ''Arkansas Valley Conduit Act of 2009''.

SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after ''cost thereof,'' the following: ''or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,''.

(b) RATES.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended—

(1) by striking ''(b) Rates'' and inserting the following:

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

''(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

''(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

''(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

''(3) ARKANSAS VALLEY CONDUIT.—

''(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

''(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

(1) by striking ''SEC. 7. There is hereby'' and inserting the following:

''SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

''(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

''(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.''.

S. 188

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 ''Colorado Northern Front Range Mountain Backdrop Protection Study Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term ''State'' means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ''Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area'' and dated August 27, 2008.

(B) EXCLUSIONS.—The term ''study area'' does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) UNDEVELOPED LAND.—The term ''undeveloped land'' means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 4. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this Act authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

S. 189

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 ''National Trails System Willing Seller Act''.

SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

SEC. 3. CONFORMING AMENDMENT.

Section 10 of the National Trails System Act (16 U.S.C. 1249 is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

''(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the 'trail') designated by section 5(a)(12)—

''(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

''(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

''(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.''.

S. 190

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 ''Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to include in the National Wilderness Preservation System certain land within the Rocky Mountain National Park, Colorado, to protect—

(A) the enduring scenic and historic wilderness character and unique wildlife values of the land; and

(B) the scientific, educational, inspirational, and recreational resources, values, and opportunities of the land; and

(2) to adjust the boundaries of the Indian Peaks Wilderness and Arapaho National Recreation Area of the Arapaho National Forest.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Rocky Mountain National Park, Colorado Wilderness Boundaries'' and dated September 2006.

(2) PARK.—The term ''Park'' means the Rocky Mountain National Park in the State.

(3) POTENTIAL WILDERNESS LAND.—The term ''potential wilderness land'' means—

(A) the land identified on the Map as potential wilderness; and

(B) any land acquired by the United States on or after the date of enactment of this Act that is—

(i) located within the boundaries of the Park; and

(ii) contiguous with any land designated as wilderness by section 4(a).

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

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 5(a).

(7) WILDERNESS.—The term ''Wilderness'' means the Rocky Mountain National Park Wilderness designated by section 4(a).

SEC. 4. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the Map, which shall be known as the ''Rocky Mountain National Park Wilderness''.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and boundary description of the Wilderness.

(2) AVAILABILITY.—The map and boundary description submitted under paragraph (1) shall be on file and available for public inspection in the Office of the Director of the National Park Service.

(3) CORRECTIONS.—The Secretary may correct clerical and typographical errors in the map and boundary description submitted under paragraph (1).

(4) EFFECT.—The map and boundary description submitted under paragraph (1) shall have the same force and effect as if included in this Act.

(c) INCLUSION OF POTENTIAL WILDERNESS LAND.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses of a parcel of potential wilderness land inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, the parcel shall be—

(A) included in the Wilderness; and

(B) managed in accordance with this section.

(2) MAP AND BOUNDARY DESCRIPTION.—The Secretary shall modify the map and boundary description prepared under subsection (b) to reflect the inclusion of the parcel in the Wilderness.

(d) EXCLUSION OF CERTAIN LAND.—The boundaries of the Wilderness shall specifically exclude:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the ''Specimen Ditch''), the right-of-way for the Grand River Ditch, land 200 feet on each side of the marginal limits of the Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from the North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Lands owned by the Wincentsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted as the ''East Shore Trail Area'' on the map prepared under subsection (b)(1).

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, any land designated as wilderness under subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the land designated as Wilderness by subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act or the date of enactment of the Act adding the land to the Wilderness, respectively.

(3) WATER RIGHTS.—

(A) FINDINGS.—Congress finds that—

(i) according to decisions of the State courts, the United States has existing rights to water within the Park;

(ii) the existing water rights are sufficient for the purposes of the Wilderness; and

(iii) based on the findings described in clauses (i) and (ii), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(B) NO RESERVATION OF WATER RIGHTS.—Nothing in this Act or any action carried out pursuant to this Act shall constitute an express or implied reservation by the United States of water or water rights for any purpose.

(4) GRAND RIVER DITCH.—

(A) LIABILITY.—Notwithstanding any other provision of law, or any stipulation or applicable agreement, during any period in which the Water Supply and Storage Company (or any successor in interest to the Water Supply and Storage Company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch within the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service entered into on _____, no individual or entity who owns, controls, or operates the Grand River Ditch shall be liable for any response costs or for any damages to, loss of, or injury to the resources of the Park resulting from any cause or event (including, but not limited to, water escaping from any part of the Grand River Ditch by overflow or as a result of a breach, failure, or partial failure of any portion of the Grand River Ditch, including the portion of the ditch located outside the Park), unless the damages to, loss of, or injury to the resources are proximately caused by the negligence or an intentional act of the individual or entity.

(B) LIMITATION.—Nothing in this section limits or otherwise affects any liability of any individual or entity for damages to, loss of, or injury to any resource of the Park resulting from any cause or event that occurred before the date of enactment of this Act.

(C) EXISTING ACTIVITIES.—Nothing in this Act, including the designation of the Wilderness under this section, shall restrict or otherwise affect any activity (including an activity carried out in response to an emergency or catastrophic event) on, under, or affecting the Wilderness or land excluded under subsection (d)(1) relating to the monitoring, operation, maintenance, repair, replacement, or use of the Grand River Ditch that was authorized or approved by the Secretary as of the date of enactment of this Act.

(D) NO EFFECT.—Notwithstanding any other provision of any previous or existing law, any stipulation, or any agreement, or interpretation thereof, use of water transported by the Grand River Ditch for a main purpose or main purposes other than irrigation shall not terminate or adversely affect the right-of-way of the Grand River Ditch, and such right-of-way shall not be deemed relinquished, forfeited, or lost, solely because such water is used for a main purpose or main purposes other than irrigation.

(5) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(A) EXISTING ACTIVITIES.—Activities (including activities that are necessary because of emergencies or catastrophic events) on, under, or affecting the Wilderness relating to the monitoring, operation, maintenance, repair, replacement, or use of the Alva B. Adams Tunnel at its designed capacity and all other Colorado-Big Thompson Project facilities located within the Park that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191)—

(i) shall be allowed to continue; and

(ii) shall not be affected by the designation of the Wilderness under this section.

(B) EFFECT.—Nothing in this Act or the designation of the Wilderness shall prohibit or restrict the conveyance of any water through the Alva B. Adams Tunnel for any purpose.

(C) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(6) NO BUFFER ZONE.—

(A) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around the Wilderness.

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use can be seen or heard from within the Wilderness shall not preclude the conduct of the activity or use outside the boundary of the Wilderness.

(7) FIRE, INSECT, AND DISEASE CONTROL.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, including the use of mechanized tools, subject to such conditions as the Secretary determines to be desirable.

(8) MANAGEMENT AUTHORITY.—Nothing in this Act shall be construed as reducing or restricting the authority of the Secretary to manage the lands and other resources within the Park pursuant to the Act of January 26, 1915 (16 U.S.C. 191), and other laws applicable to the Park as of the date of enactment of this Act.

SEC. 5. EAST SHORE TRAIL AREA IN ROCKY MOUNTAIN NATIONAL PARK.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in Rocky Mountain National Park an alignment line for a trail, to

be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the wilderness area; and

(B) modify the map of the Wilderness prepared under section 4(b)(1) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect National Park System resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 4; and

(2) the Secretary shall modify the map and boundary description of the wilderness prepared under section 4(b)(1) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this Act shall affect the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 6. INDIAN PEAKS WILDERNESS AND ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking ''seventy thousand acres'' and inserting ''74,195 acres''; and

(2) by striking ''dated July 1978'' and inserting ''dated May 2007''.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking ''thirty-six thousand two hundred thirty-five acres'' and inserting ''35,235 acres''; and

(2) by striking ''dated July 1978'' and inserting ''dated May 2007''.

SEC. 7. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the ''Leiffer tract'' that is—

(1) located near the eastern boundary of Rocky Mountain National Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, earlier today, the Congress met in a joint session, as it does every 4 years in early January, to conduct the official count of the electoral ballots from the States. Most Americans pay no attention to this ritual, believing that presidential elections in this country get decided on Election Day. But it is the votes of the Electoral College, presented by each State to the Congress, that determine who our next President and Vice President are going to be. We are the beacon of democracy in the world, and yet, voters in this country do not have the opportunity to elect their leaders directly.

Today, I am introducing a constitutional amendment to abolish the Electoral College to allow direct election of the President by popular vote. If the principle of one person, one vote is to mean anything, it is that the candidate who wins a majority of the votes wins the Presidency, and votes for every candidate from every State should count.

On only a few occasions in our history, the candidate who lost the popular vote won the Electoral College and became president. In 2000, George W. Bush actually lost the nationwide popular election to Al Gore by nearly 544,000 votes, yet won the presidency in a Supreme Court showdown over Florida's Electoral College votes that hinged on far fewer disputed State ballots. That dispute undermined Americans' confidence in our democracy and should not be allowed to happen again.

In addition, the Electoral College skews the way candidates for president campaign, causing them to focus only on contested ''battleground States''. As the Miami Herald recognized in an editorial published the day after the 2008 election, the Electoral College is a ''horse-and-buggy-era political contraption,'' which effectively shuts out the majority of Americans—those who don't live in one of the key battleground States—from any meaningful participation in the selection of our President.

A recently released study by FairVote, the Center for Voting and Democracy, documents just how lopsided the Electoral College has made presidential elections: more than 98 percent of all campaign events and more than 98 percent of all campaign spending occurred in 15 large and small battleground States representing 36.6 percent of the Nation's eligible voter population. Of the 300 campaign events by the major presidential candidates held between September 5 and November 4, 2008, fully 57 percent of these events took place in four States—Ohio, Florida, Pennsylvania, and Virginia—representing just 17 percent of the Nation's eligible voters. Voter turnout was 67 percent in the 15 battleground States and only 61 percent in the remaining 35 States.

The simple and straightforward constitutional amendment simply provides for the direct election of the President and Vice President, based on the national popular vote from the 50 States, the U.S. territories, and the District of Columbia.

The proposed amendment also confirms—consistent with the vision of the Framers—that it is within Congress's power to set the time, place and manner—as well as other key criteria—for holding Federal elections. Unlike some proposed constitutional amendments that have been introduced in the past, my proposal does not delve into additional detail by specifying the qualifications for voters or by imposing a majority requirement for an election, leaving those issues for the Congress to address through the legislative process. Rather, the amendment keeps the focus where it belongs—on enshrining in our Constitution the principle of one person, one vote, in the election of our President.

I first introduced this constitutional amendment during the previous Congress, as part of a broader package of reforms that also included measures to make it easier to vote, for example, by encouraging early voting or no-fault absentee voting; to ensure that there is a verifiable paper ballot so that every vote cast gets counted; and to allow voters, not party bosses, to select presidential candidates. I plan to file these other election reforms early in this Congress.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be

valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. The President and Vice President shall be jointly elected by the direct vote of the qualified electors of the several States and territories and the District constituting the seat of Government of the United States. The electors in each State, territory, and the District constituting the seat of Government of the United States shall have the qualifications requisite for electors of the most numerous branch of the legislative body where they reside.

''SECTION 2. Congress may determine the time, place, and manner of holding the election, the entitlement to inclusion on the ballot, and the manner in which the results of the election shall be ascertained and declared.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 10—RECOGNIZING THE RIGHT OF ISRAEL TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA AND REAFFIRMING THE UNITED STATES' STRONG SUPPORT FOR ISRAEL IN ITS BATTLE WITH HAMAS, AND SUPPORTING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCAS, Mr. BAYH. Mr. JOHANNS, Mrs. LINCOLN, Mr. BROWN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas, in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27, 2008, that ''[w]e strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the ceasefire and for the renewal of violence there'';

Whereas, on December 27, 2008, Prime Minister of Israel Ehud Olmert said, ''For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them. . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country.'';

Whereas, on January 2, 2009, Secretary of State Rice stated that ''Hamas has held the people of Gaza hostage ever since their illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address'';

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008;

Whereas, on January 2, 2009, Secretary of State Rice stated that it was ''Hamas that rejected the Egyptian and Arab calls for an extension of the tahadiya that Egypt had negotiated'' and that the United States was ''working toward a cease-fire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that cease-fire should take place as soon as possible, but we need a cease-fire that is durable and sustainable''; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel, which will not be possible as long as Israeli civilians are under threat from within Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding the capability to launch rockets and mortars against Israel and allows for the long term improvement of daily living conditions for the ordinary people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza;

(5) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel; and

(6) reiterates its strong support for United States Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

SENATE RESOLUTION 11—TO AUTHORIZE PRODUCTION OF DOCUMENTS TO THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL

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

S. RES. 11

Whereas, last Congress the Committee on Armed Services conducted a staff inquiry into allegations regarding irregularities in the administration of a contract for logistical support in Iraq by the Department of the Army;

Whereas, upon the completion of the Committee's staff inquiry, the Chairman and Ranking Member referred to the Acting Inspector General of the Department of Defense for review allegations regarding the Administration of this LOGCAP contract;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Member of the Armed Services Committee, acting jointly, are authorized to produce to the Department of Defense Inspector General records of the Committee's staff inquiry into allegations relating to the administration of the Army's LOGCAP contract.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table.

SA 2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 4. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 5. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 6. Mr. COBURN submitted an amendment intended to be proposed by him to the