The House met at 10 a.m.  
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:  
LORD, with the ancient scripture, You advise the Members of Congress today.  
Wisdom, and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.  
``Good and evil, life and death, poverty and wealth are all from the Lord.  
Wisdom and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.  
``Error and vacuous darkness were formed in the sinner from the day of birth; and evil grows as the evildoer ages.  
``But the Lord’s gift remains with the just; blessing brings continual success.  
``Someone may become rich through a miser’s life, and this is all he has as off-counted reward.”  
When he says, “I can rest now; I need not know how long it will be till he dies and leaves everything to others.  
My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord alone.  
``Wisdom and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.  
``Error and vacuous darkness were formed in the sinner from the day of birth; and evil grows as the evildoer ages.  
``But the Lord’s gift remains with the just; blessing brings continual success.  
``Someone may become rich through a miser’s life, and this is all he has as off-counted reward.”  
When he says, “I can rest now; I need not know how long it will be till he dies and leaves everything to others.  
My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord alone.  
My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord alone.

The SPEAKER. Will the gentlewoman from Ohio (Ms. K APTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The SPEAKER. The Chair will entertain up to five 1-minutes on each side of the aisle.

ANNOUNCEMENT BY THE SPEAKER  
Ms. KAPTUR. Mr. Speaker, the second half of the Wall Street bailout is being jammed at this House today—again, with a cursory review by the committees that should be meeting

THE HUMANITARIAN DISASTER IN GAZA  
(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The attack on the U.N. headquarters in Gaza is further proof that a post-legal era in world affairs has taken shape where law and moral principles are irrelevant—where might makes right, where retribution and vengeance, even against innocent children, fails to shake us from moral lethargy or political paralysis. Collected punishment is a proportionate use of force. Using U.S. planes, helicopters and ammunition to attack a wounded, starved and thirsty population of mostly children trapped in a box called “Gaza” has become acceptable, perhaps because we’ve already accepted the deaths of over 1 million innocent civilians in Iraq in a war based on lie.

There is a way out. We must ask those who were given our armaments for defense to stop the aggression and the blockade and the occupation and reconnect with the high sentiments that rallied their own suffering, wounded people of a nation generations ago.  
When we recognize the humanitarian disaster in Gaza, when we come to grips with the reality of suffering on both sides, we may yet find a way to save ourselves.  

``BANK ROBBERY?’’  
(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, oh, how things have changed. Time was, when you borrowed money from a bank, the bank wanted to know what the money was going to be used for, and you were required to fill out a bunch of forms to receive that money.  
Now the big banks have shown up, wanting $350 billion from the taxpayer. They won’t tell us what they will use the money for, and they haven’t filled out any paperwork to justify receiving more taxpayer money. You see, they don’t want the same standards they require on borrowers to be applied to them when they want money.  
It used to be the bad guys robbed the banks. Now it appears that the banks are the bad guys by putting a financial gun to the people, saying, “Give us the loot or you’re all going to die economically.”  
It’s like bank robbery in reverse. It seems like the big banking boys’ gang is robbing the people. We call all of this nonsense a bailout, but bailouts have not helped stimulate the economy. Why don’t we just say, “No”? No more taxpayer money will be spent without accountability. No more spending money we don’t have. We cannot spend, borrow and tax our way out of this economic calamity.

And that’s just the way it is.

THE SECOND ROUND OF THE BAILOUT MISTAKE  
(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the second half of the Wall Street bailout is being jammed at this House today—again, with a cursory review by the committees that should be meeting.
their constitutional responsibilities. I have a simple question:

Why would any Member trust the very same group who engineered the first bill to do it to America again?

That first bill has not worked. It has made the foreclosure crisis worse, which is at the heart of what is wrong with this economy. Yet Wall Street was handsomely showered with taxpayer billions, and they then thumbed their noses at Main Streets across this country.

I wouldn’t expect anything from Treasury in the way of sensitivity to regular folks. Its job is to sell U.S. debt on Wall Street and to collect taxes. They’re not designed to do real estate lending or housing workouts or real estate accounting. That’s the job of the FDIC, of the SEC and of HUD. They should be in the lead in the mortgage workout process. And frankly, we ought to quadruple the number of financial crimes analysts at the FBI.

I repeat: Why would Congress allow itself to be hoodwinked not once but twice into making the same big mistake? I urge my colleagues to vote no on the second Wall Street bailout bill. Instead let’s do what works for the American people by solving the home foreclosure crisis first.

HONORING THE LIFE OF ROY BOEHM

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Roy Boehm, a true American hero and a long-time constituent of Punta Gorda, Florida.

Mr. Boehm was a retired Navy lieutenant commander, and was the first officer in charge of SEAL Team 2, one of the original Navy SEAL teams.

Many would say that he was the first Navy SEAL. Lieutenant Commander Boehm enlisted in the Navy in 1941, and fought during World War II, Korea and Vietnam. In 1962, he participated in the Battle of Cape Esperance at Guadalcanal, one of the largest, all-surface sea engagements of World War II. In 1961, under orders from President Kennedy, Lieutenant Commander Boehm developed and launched the Navy’s elite Sea, Air and Land forces unit known as the SEALS.

Our Nation is grateful for Lieutenant Commander Boehm’s service. Lieutenant Commander Boehm set the standards for the Navy SEALs of today, and he will truly be missed. On behalf of all of the men and women who wear or who have worn the uniform, I say thank you for your service.

TARP REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, the House approved the $700 billion financial rescue package last October only under the condition that banks would be accountable and that taxpayers would know what the banks did with the money. We all know that that hasn’t happened.

The Bush administration and the Treasury Secretary never held up their end of the deal. They’ve ignored the measures Congress put in the package to protect the taxpayers. The result: blank checks to big banks and nothing to protect middle class families from foreclosures.

Today, the House is going to vote to change this and will strengthen oversight on what the banks and the administration are doing with the funds. The taxpayers have the right to finally know exactly how their money was spent.

ALLEN HIGH SCHOOL FOOTBALL WINS CHAMPIONSHIP

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I want to talk about a high school champion. I rise to congratulate the 2008 state champions of Texas high school football—the Blue and White Allen Eagles.

Last month, the Allen Eagles defeated Fort Bend Hightower 21 to 14 in a stunning second half comeback to win the Texas 5–A football championship in Houston’s Reliant Stadium. The crowd went wild!

Under head coach Tom Westerberg, the Eagles’ football program has thrived with stellar seasons in ’07, ’06 and ’05 as well.

I will insert the names of the top coaches into the Record.

There is a special story about this team. Each spring, the rising seniors pick a motto for the upcoming season. This year’s motto was: Start strong. Finish strong.


Go Eagles!

Tom Westerberg, Head Coach, Asst. Athletic Director.

Terry Gambill, Asst. Head Coach, Defensive Coordinator.

Jeff Fleener, Offensive Coordinator.

Jeff Chanev, Special Teams Coordinator.

Mike Carter, Strength Coordinator.

Last week, I introduced House Resolution 156, with Representative PAUL of Texas, to stop the next automatic congressional pay raise from taking effect next year. As of this morning, we have been joined by 77 cosponsors—Republicans and Democrats.

Our Nation is at war. Our economy is reeling. The American people aren’t getting a pay raise. We shouldn’t either. I will be donating my 2009 pay raise to charity just as I did with the 2008 pay raise.

I urge my colleagues to join our growing coalition and to support the Stop the Congressional Pay Raise Act.

REJECT THE BAILOUT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, the definition of “insanity” is doing the same thing over and over again and expecting different results.

Three months ago Congress rushed to spend $350 billion of taxpayer dollars without adequate hearings and deliberation. The result was a lack of transparency and accountability, a disappointment in how the massive funds were spent and a bloated Federal budget deficit. But here we go again. This Congress is now proposing to do the exact same thing.

Another $350 billion bailout is not the answer my constituents are looking for. The people in my district in Minnesota are struggling to make ends meet, and they’re worried about the future. We must take concrete steps to jump-start our economy and put people back to work. It’s time to stop exposing taxpayers to any more undue risk. It’s time to stop saddling them with unnecessary debt.

Mr. Speaker, Congress should reject another $350 billion bailout, and instead, it should focus on preserving, protecting and creating jobs to get our economy going again.

MILITARY PERSONNEL

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, for most of the past 12 years, I have traveled all over the world with the Foreign Service. In places like Kosovo, Afghanistan and Iraq, I had the honor to serve alongside the brave men and women of our Armed Forces.

It is now my honor to be here as the Representative of Virginia’s Second Congressional District—to represent the people of Hampton Roads and the Eastern Shore—and to represent my very own military personnel and their families.

We have very important work ahead of us—strengthening the economy, restoring fiscal responsibility and standing up for the families who are working
every day to make a better life for the next generation.

While we’re doing that, we must always remember that we still have people over there—we’re fighting two wars—and as we face new threats, we must maintain a strong military, and we must boldly support our troops in harm’s way.

Mr. Speaker, our military personnel and their families ask nothing more, and they deserve nothing less than theican value, and it is a value I will harm’s way.

we must fully support our troops in wars—and as we face new threats, we must maintain a strong military, and

the next generation.

January 15, 2009

House resolved into the Committee of the

suant to clause 2(b) of rule XVIII declare the

Resolved,

Mr. MCGOVERN. Mr. Speaker, by di-

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legis-

Mr. Speaker, our military personnel and their families ask nothing more, and they deserve nothing less than the
discussion except one motion to recommit with or
to to final passage without intervening mo-

discussion except one motion to recommit with or
to final passage without intervening mo-
sions in the bill are waived. Notwithstanding
class of the Treasury and ensure

of the Secretary of the Treasury and ensure

providing for expedited consideration a disapproval resolution that provided for a vote not later than 6 days after the date Congress receives the report.

However, because President Bush

sent the request to Congress on Janu-

Monday, the 6th day of this Sun-

day, a day that the House is not in ses-

Because the ability to have a

election about the defense of our country.

The Speaker pro tempore. Is there

H. RES. 62

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legis-

Mr. MCGOVERN. Mr. Speaker, I yield

The Speaker pro tempore. Is there

the bill.

Mr. Wilson of South Carolina. Mr. Speaker, by di-

Mr. MCGOVERN. Mr. Speaker, I yield

TARP REFORM AND

ACCOUNTABILITY ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, I yield

TARP REFORM AND

ACCOUNTABILITY ACT OF 2009

B. Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legis-

Mr. MCGOVERN. Mr. Speaker, I yield
Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to my good friend from Worcester, the distinguished vice chairman of the Committee on Rules, Mr. MCOVERN, for yielding to me the time, the customary 30 minutes.

And I would also like to say in response to the exchange that Mr. MCOVERN and I had yesterday, that I am more than willing and happy to yield at any time if he asks me to yield to him during debate. Yesterday, he was very reluctant to. One of the things that has troubled me is that as we deal with this and other issues, people begin with prepared statements, but as we get into a period of time during which I believe this institution should have a free-flowing debate, the option of yielding is one which should be taken up as much as possible. That's my perspective, and I understand the right of individuals not to yield, but I will say that I'm happy to yield to individuals at any time.

At this point, I'm happy to yield to my distinguished friend.

Mr. MCOVERN. I thank the gentleman.

If I recall correctly, I did yield to the gentleman once. What I objected to was being interrupted in mid-sentence. But I will be happy to yield to the gentleman for a discourse at any time.

Thank you.

Mr. DREIER. If I can reclaim my time, I will simply say that I look forward to yielding when we're having an exchange as we proceed with the 111th Congress. And I always want to, as I believe this institution deserves, to encourage a free-flowing debate on a wide range of issues.

Today actually, interestingly enough, Mr. Speaker, marks the first time, the first time in the 111th Congress—and we've gone through quite a bit of legislation in the last week—that we are dealing with a completely closed rule. But this process has been so utterly flawed that this rule simply exposes just how far we have to go rather than standing out as a step in the right direction.

The most serious problem is that the underlying bill is not a product of any semblance of order whatsoever. No hearings, no testimony, no markups. Now, anyone who looks at how a bill becomes a law, they understand that the process of hearings, testimony, markups, that's all part of the process. There has been absolutely no opportunity for any of that. No opportunity for scrutiny whatsoever as this bill was written.

This has continued into this amendment process. While I appreciate the fact that the Democratic majority has actually considered amendments for the first time, we're still left guessing as to what is actually in this bill.

Most of the amendments that have been accepted will never even be debated here on the House floor. They'll not be individually considered in a transparent way. And one of the great statements of the many statements made by President-elect Obama—and we all look forward in 5 days to his inauguration—is that he regularly talks about the need for transparency. Well, a measure that we're about to consider under this so-called manager's amendment will not be of the kind of transparency that Mr. Obama believes should be the case.

These amendments were simply added en masse into this one amendment. The point of considering amendments is to try to have the opportunity to improve legislation. It is also meant to be an opportunity for debate. It's a chance for Democratic and Republican Members alike, not to mention the American people, to examine the key components of a bill and have a real debate.

Unfortunately, this rule simply perpetuates a very flawed process, protects a flawed bill, and prevents the real scrutiny that is very, very desirable. The $350 billion that this $350 billion, taxpayer dollars, will be spent.

The Troubled Assets Recovery Program Reform Act, the so-called TARP, has itself become quite troubled. As we've heard in yesterday's discussion, we have serious concerns for how this program has been implemented. We can't begin to consider the wisdom of releasing another $350 billion until we understand how the initial money was used. And we cannot begin to consider a bill to fix the system until we understand what exactly this bill does. These are obligations we should take seriously.

In the meantime, there are a number of far more limited and targeted proposals that could easily be considered and enacted to address the economic challenges we are facing.

Our colleagues on both sides of the aisle have proposed a number of ideas for restoring our economy. They have suggested options that don't pick winners and losers and don't have the taxpayers pay for an unaccountable program.

One proposal that I've advocated is a tax credit for new home purchases that are made with a down payment of at least 5 percent.

The housing industry has been at the center of our economic crisis from the very beginning. It remains the core impediment to our economic recovery. As home prices have fallen and foreclosures have risen, the impact on working families has been enormous and the impact on our economy has been very widespread.

By encouraging and enabling responsible home purchases, we can start to clear out the excess supply in the housing market. This will help to stabilize prices, prevent foreclosures, and put us back on a path to economic recovery.

No one doesn't believe that this proposal that I've outlined and have been talking about for the last couple of weeks is a panacea, but it is a targeted measure that would help to address a key economic challenge that we face.

Now, I would have offered my proposals and amendment to the underlying bill, but it was not germane to the measure. But Mr. Speaker, the point that I'm making is that there are more limited and targeted proposals that I believe should be given full consideration. Unfortunately, we are spending our time on a bill that its own author—I see the distinguished chairman of the Committee on Financial Services has—is here—and has indicated will not be enacted into law. The Democratic majority is merely concerned with providing what I consider to be a fig leaf for the impending vote that we're going to face to release this additional $350 billion.

The underlying bill will not safeguard the taxpayers' money and it will not ensure that we have the proper tools to restore our economy. I urge my colleagues to oppose this rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. MCOVERN. Mr. Speaker, I just want to set the record straight. It is incorrect to say that there have been no hearings on this measure. In fact, the Financial Services Committee on Tuesday held a hearing—I think it began at around two o'clock in the afternoon and went into the evening. So there has been a hearing in the committee of jurisdiction on this.

At this time, I would like to yield 4 minutes to the gentleman from Massachussets (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank my colleague. And we've had several hearings on this subject.

Again, the timetable here has been forced by the bill we adopted last fall with the support of the Republican leadership and the President as well as the Democratic leadership. And as a concession to Members, we put in there that once the President asked for the second $350 billion it would trigger a 15-day period in which we had to act. And we believe it's important for the House to make clear what it wants to do here during that period. But we've been hearing on this since the fall.

We put into the bill last fall some good oversight. The Government Accountability Office put out a report last year very critical of the failure to demand that the financial institutions that received funds make clear what they were doing with them, and particularly to show to what extent they were re-lending. That was because we put into the bill that the GAO would be there from the first day in their offices. We had a hearing with Mr. Kashkari, the Bush appointee to run the program, and the GAO to deal with it. We had a further hearing on this subject in the Appropriations Committee. That's why I believe that the gentleman from Massachusetts talked about earlier this week to go into this in great detail on Monday.
We have invited all Members as of Friday to submit amendments. A number of Members did so. In fact, I thank the Rules Committee; they have put 10 amendments in order—one was a duplicative, so 10 are in order, five from Republicans. Of the Republican amendments, I intend to vote for two; I intend to vote against three. There were also amendments that we received from some Republicans that we agreed to put in the manager's amendment.

The question is simply this, and it's two-fold: First, on the broader question that's not before us today, do we deny to President Obama a set of tools that this Congress voted last fall because a great majority of Members on both sides think that the Bush administration used them poorly? If someone drives a car badly, do you sequester the car and deny it to someone else who wants to drive it well?

The TARP is not some living organism with a mind of its own. It is a set of policy tools. A newly elected President has asked that he be allowed to implement those tools. We say yes, but—and we are asking for some serious commitments about how it's done. So that's the first point.

The second point is this money, whether or not it is spent, will be in a separate vote. And the ranking Republican said yesterday, well, let's wait for them to tell us how they plan to spend it. No, I don't think we should do that. I think we should tell them how we want to spend it and see if they agree. Some of the banks, some of the homebuilders, that I know, that I was speaking to, don't want to talk to a government agency. They want to talk to the Wall Street Journal. And again, I think that the provisions which would reduce foreclosures is one that does need to be addressed. And I know that we had a discussion in the Rules Committee the night before last on the issue of—and this is prospective, as I had said earlier—but this notion of trying to encourage people, prospective homeowners, to go out there by incentivizing them to put a down payment. Now, I think that is an issue that transcends what we're dealing with today—Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. FRANK of Massachusetts. I think there is a lot to be said, but it is, from what the gentleman said in the jurisdiction of the Financial Services Committee.

Mr. DREIER. Absolutely. If I could reclaim my time, I will say that I know that the gentleman from California is talking about, but those people who are most concerned with the issue of foreclosures is one that does need to be addressed. And I know that the homebuilders and the realtors strongly support the bill we are talking about today because they think it helps in other ways. It does not prevent the provisions which would reduce foreclosures is one that does need to be addressed. And I know that would like to work with my colleague on and others on as a way to deal with the challenge of this huge supply of housing that exists in my State of California, and in other States as well. And the fact that, unfortunately, over the past several years we have seen a wide range of people treating homes that have been purchased like rental units because they put zero down and have very low interest payments, and so they're encouraged to walk away from it, our proposal here is one that is designed to ensure that people actually have a vested interest in that home.

And with that, I'm happy to yield 2 minutes to my very good friend from Kansas, Mr. MORAN.

Mr. DREIER. Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.

The bill is good as far as it goes, but before Congress thinks that we're done with the TARP program, we ought to be considering legislation to make it stronger and to provide additional limits.

First, and most important, we need to prohibit those companies that receive funds under this program from paying dividends to their existing common shareholders or using their money to go buy the shares held by their existing shareholders. Why are we putting capital in if the company is then taking the capital out, and giving it to its existing shareholders? That means we are putting capital in at a deficiency. At a minimum, I hope we get an unequivocal letter from the incoming administration that they will prevent such
transfers by regulation, and through other means.

Second, we need to make sure that if assets are purchased from the banks that were buying bad bonds, that such bonds were owned by American entities. We need to have foreign parents, and that these bonds were owned by American entities on September 20, 2008, which is when the whole dam broke. What we don’t want to do is see these monies go to buy bad bonds that were assets made in Shanghai and Riyadh and London.

Third, this bill under consideration, and the TARP bill, allows for Million-Dollar-a-Month salaries. We cannot go to the American people and say we have limited executive compensation except for the most common element of executive compensation, salaries. There ought to be a limit—and only on those companies, of course, that are holding taxpayer money. I say to those banks that want to pay more than a million a year, the banks that want to pay more than a million a month to some of their executives and say, fine, give us back the money first.

And perks, one thing that the American people have focused on is the use of private executive jets. This bill says you cannot use those—you can’t own them or lease them, at least—if your company is based in Detroit. But if you’re a Wall Street bank, buy, lease, fly whatever you want. That is a strange anti-Detroit dichotomy. Why should we prohibit these luxury jets? Because we want them to give us the money back. We don’t want every executive on Wall Street to come and take the TARP money and hold on to it as long as possible.

Second, we want to encourage jobs in the commercial aircraft industry, both the manufacture and operation of those Boeing jets and United and American Airlines. And finally, because when the banks spend the money on ridiculous perks, whether it be extreme limos or extreme jets, that’s money they can’t lend to the American people. And we want to see some of that money used to buy, lease, fly whatever you want. That is a strange anti-Detroit dichotomy. Why should we prohibit these luxury jets? Because we want them to give us the money back. We don’t want every executive on Wall Street to come and take the TARP money and hold on to it as long as possible.

Mr. Speaker, when Congress first considered the economic stabilization package last fall, the most severe threat presented to us was across-the-board credit freeze that would have stopped all financial activity in its tracks. Well, we may have avoided a catastrophe on Wall Street, but now is the time to encourage lending and capital on Main Street. And while I am pleased to see the underlying bill recognizes that community financial institutions, including those that are privately held, Chapter S, should have the same level of access to the program as larger institutions, H.R. 384 does not go far enough. We must address the current crisis from a systemic perspective, and my amendment would foster meaningful participation from the smaller financial institutions which, after all, Mr. Speaker, are vital to the economic recovery of our Nation, our States, our congressional districts. They are the lifeblood.

I ask my colleagues to oppose the rule.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time.

Mr. DREIER. Will the gentleman yield so I may engage in a colloquy? Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that last night in the Rules Committee as this rule came forward, there was some concern voiced as to whether or not this rule may in some way preempt the opportunity for Members to, in fact, offer a resolution of disapproval to deal with this.

Section 2 of the rule relates to the consideration of the resolution to disapprove the last $350 billion of TARP funds. Subsection b permits a Member to make a privileged motion to proceed on Wednesday, January 22, when it would normally only be available this coming Sunday. However, subsection c limits the motion to the majority leader rather than any Member.

I just want to confirm again with the gentleman from Massachusetts, just as we did last night in the Rules Committee, that the purpose of this provision is only, only to allow the majority leader to manage the day’s schedule and will not in any way be used to deny Members an up-or-down vote on releasing the remaining TARP funds.

And I thank my friend for yielding to me for the question and if he’d like to respond.

Mr. MCGOVERN. The gentleman is correct.

Mr. DREIER. Correct. Okay. I thank my friend for yielding on that.

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

Mr. DREIER. Mr. Speaker, I would like to yield 1 minute to a very, very hardworking Member, a very senior Member from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

What does that mean, a ‘‘senior Member’’? I hope it doesn’t mean I look old.

Mr. DREIER. If the gentleman would yield, he’s one term less senior than I. Mr. BURTON of Indiana. All right.

Mr. Speaker, let me just say that Everett Dirksen, when he was a United States Senator, said, a billion here, a billion there, and you’re really talking about money, real money. Now it’s a trillion here, a trillion there, and $4 trillion’s going to be spent. The only problem is the American people are going to face hyperinflation down the road if we continue down this path.

Today we are talking about an additional $350 billion, and we don’t even know what the first $350 billion of the bailout was spent. It makes no sense to me to be voting for this today when we really don’t have any accountability for the first tranche, the $350 billion that has already been allocated.

People in the stock market are taking a real bath. People who have investments, their life investments, in the stock market are taking a real bath. People who are going to retire or are already retired are taking a real bath.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield to my friend from Indianapolis an additional 1 minute.

Mr. BURTON of Indiana. Mr. Speaker, it seems to me that the people who are having trouble in the stock market ought to start looking at places to invest like the ink that’s being sold to the U.S. Treasury or the paper that’s being sold to the Treasury that’s going to be used to print more and more and more money.

I don’t want to take the whole extra minute my colleague has allocated to me, and I really appreciate it, but I want to say that if I were talking to the President or the American people that we have to control spending in this place. We have to control spending. If we don’t do that, we’re going to see very high inflation which will be followed by very high interest rates, a real kibosh and a rubber band effect on our economy. The way to solve this problem is to give the American people some of their money
January 15, 2009

CONGRESSIONAL RECORD — HOUSE H333

back with tax cuts and to cut capital gains.

So I would like to end up by just say-
ing let’s be more concerned about spend-
ing around here. Let’s really start thinking about it. It’s the peo-
ple’s money. The taxpayers want ac-
countability.

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

I would just respond to the gen-
tleman by saying that what we are de-
bating today is not about releasing money. There’s no money attached to
this bill. In fact, all this bill does real-
ly is set conditions on any money that
may or may not be released. This bill
also preserves this Chamber’s right to
have a vote on the release of the next
TARP tranche.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gen-
tleman.

Mr. DREIER. I thank my friend for
yielding.

And I have got to say that the notion
that somehow the measure that we’re
trying to consider here today is not re-
lated to this idea of releasing, within
this 15-day period, the additional $350 billion is preposterous. It’s clear that
it’s tied together.

Mr. MCGOVERN. Mr. Speaker, re-
claiming my time, I thank the gen-
tleman for his observation, but I didn’t
say that it was not related. The gen-
tleman is talking about the bill as if
today we’re releasing this money.

What this bill does is set conditions.
It makes it clear what Congress’ inten-
tion is on how that money should be spent if it should be released. If the
gentleman or anybody else in this
Chamber wants to vote against releasing
additional money, they will have
that opportunity at a later date.

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

Mr. DREIER. Mr. Speaker, at this
time I am happy to yield 5 minutes to
our friend from Columbus, Indiana, the
distinguished chairman of the Repub-
lican Conference (Mr. Pence).

(Mr. Pence asked and was given per-
mission to revise and extend his re-
marks.)

Mr. PENCE. Mr. Speaker, I rise in op-
position to the rule.

Mr. Speaker, we are in a recession.
Many American families are hurting.
Many millions more worry that they’ll
lose their job next. And it is impor-
tant that this Congress, in legislation be-
fore us today, in the related legislation and
in upcoming bills, take action. Inac-
tion is not an option. But more impor-
tant than just doing something, it is
imperative that Congress, on behalf of
the American people, do the right
thing. And I rise today to say from my
heart that the American people know
we cannot borrow and spend and bail
our way back to a growing economy.

The related legislation to the sec-
to half of the banking bailout
that passed the Congress last fall, is
the wrong approach. I opposed that leg-
islation last fall both times it came up
because I believe that economic free-
dom means the freedom to succeed and
the freedom to fail. The decision that
Congress made to give the Federal Gov-
ernment the ability to nationalize al-
most every bad mortgage in America
right now, I believe that there were
no easy answers at the time. But
the American people deserved to know
then and deserve to know now there
are alternatives to massive govern-
ment spending and bailouts.

We come to consider legisla-
tion that, as the gentleman just stated,
is preambule, if you will, to the TARP
vote that may or may not come to this
body, and I acknowledge that. But the
truth is that it is all interrelated. And
Congress and this body may soon be
asked to approve and police the second
$350 billion installment to the financial
markets in this country approved last
fall, and we will be asked to do so
under a new set of promises from a
Congress in this legislation and a
President, neither of which’s sincerity
do we question on this floor today, but
it’s a set of promises about oversight
and promises that we’ll spend the
money better, and I rise today to say
that somehow the measure that we’re
seeing there is not enough.

Taxpayers should not be asked to pay
another $350 billion for a bailout that
could be disbursed far beyond the origi-
inal authorization of this Congress to
undertake, that will come to the floor
for the initial tranche of this bill. House
Republicans believe that enough is enough.
We believe, as most Americans do, that
we cannot borrow and spend and bail
our way back to a growing economy.

The real answer that House Repub-
licans embrace, and I believe that it is
an answer that most Americans em-
brace, is that it is time for us to put the
American taxpayer first. It’s time for us to say “no” to more bailouts,
however well additional supervised,
no more bailouts, no more excessive
government spending. It’s time this
Congress began to reduce the burden of
taxes on working families, small busi-
nesses, and family farms and began to
practice the kind of fiscal discipline
that the American people expect.

So I rise today in opposition to this
rule and the underlying bill. And how-
ever well-intentioned, I believe it is, in
effect, only preambule to legislation
that would cast aside our responsibility
that would be the wrong decision for
the American people. The American
people want us to walk away from the politics
of bailouts, and they want us to take
this country in the direction where
we’re not releasing the power of the
Treasury to solve our very real eco-
nomic woes but we are passing the kind
of tax relief that will release the re-
sources, the genius, the courage, and
the ingenuity of the American people.

As President John F. Kennedy said, all
ships will rise on a rising tide.
Mr. MCGOVERN. Mr. Speaker, I have
no further requests for time, and I re-
serve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield
myself such time as I might consume
simply to rise and compliment my
friend from Columbus, our Republican
Conference Chair, for his very thought-
ful remarks on this issue. And I hope
very much that my colleagues will be able to pro-
ceed with strong and rigorous debate.

Unfortunately, Mr. Speaker, this rule
does not allow us to have the kind of
debate that I think this institution or the
American people deserve, and I say
that again reminding our friends that
the so-called manager’s amendment
takes a huge package of amendments
and does not allow the kind of trans-
parenzy about which Mr. Obama has
spoken because we won’t have time to
have adequate time to deal with this,
40 minutes debate, 20 minutes on each
side, to discuss all of the amendments
that have been made in order and is I
do not believe an adequate amount of
time for us to go through the kind of
debate that I think the American people
deserve and that Members of this insti-
tution deserve.

Mr. Speaker, I will say I have been
waiting patiently for one of our col-
leagues so just to see them made an attempt to speak, that he made an attempt to speak
time to him. His name will not be mentioned
at this point for fear that anyone
might think that he was being derelict
in his duties. I’m sure he is very, very
busy.

Let me say that we are proceeding on
an issue which I don’t believe we should be dealing with at this moment.
The reason I say that is that we have
not had adequate hearings, we have not
had adequate deliberation on this ques-
tion, and there is acknowledgment
from our friend the Chair of the Com-
mittee on Financial Services that the
measure that we will be proceeding
with will never become public law. It is
being worked as a consultative tool with
the incoming administration. Needless
to say, this is a somewhat unusual pro-
cedure that the House is going to deal
with an issue that is not going to be-
come public law, and as the House is
looking at this, it is not taking place with
the administration.

It is unusual, to say the least. Now, I
recognize that we are in near unprece-
dented times, and we need to deal re-
sponsibly with the economic downturn
through which the United States of
America and the world is now going.
I don’t believe we should be casting
aside our responsibility as Members of this institution to do the
right thing.

I think that the right thing for us to
actually spend the time and effort
looking at creative solutions. At this
moment, there is a hearing taking
place among our Republican economic
stimulus group. I was there earlier this
morning. We have a couple of very
thoughtful witnesses who I suspect are
just testifying. The former Governor of
Massachusetts and Presidential can-
didate, Mitt Romney; the former presi-
dent and CEO of eBay, Meg Whitman,
Mr. MCGOVERN. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I urge my colleagues to vote "no" on this rule and to vote "no" on the underlying legislation.

With that, I yield back the balance of my time.

Mr. MCGOVERN. I yield it.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would just like to say the gentleman we were waiting for earlier has arrived. I was wondering if I might reclaim a little of my time and allow my friend to offer his remarks.

Mr. MCGOVERN. I have no objection to that.

The SPEAKER pro tempore. Without objection, the gentleman is recognized.

Mr. DREIER. So the gentleman will be able to continue his very brilliant closing statement.

Mr. MCGOVERN. Why don't I reserve my final closing and let you yield.

Mr. DREIER. Brilliant idea.

At this time, Mr. Speaker, I would be very, very happy to yield 2 minutes to my friend from Palm Harbor, Florida (Mr. BILIRIKIS).

Mr. BILIRIKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this restrictive rule. The last Congress approved transferring $350 billion of this Nation's wealth to Wall Street with little transparency, less accountability and, worst of all, with no real effect on our failing economy.

Many of our constituents are opposed to the use of the money to bail out Wall Street. Some of them are so angry at Congress they no longer trust anyone in government.

I submitted an amendment to the Rules Committee that would have required institutions receiving bailout funds to disclose the compensation of their highest-paid executives and directed the Treasury Department to maintain a searchable database of that information.

Unfortunately, my amendment was made out of order. This Congress is entrusting $700 billion of taxpayers' monies to executives on Wall Street, and yet Congress won't even require those same executives to disclose what they are paying themselves.

I believe we need this information to help us make informed decisions about the use of taxpayers' money to help the people and companies that greatly contributed to our current economic crisis. Our country needs to know how those to whom we have given their money are using it. If Congress fails to insist on at least the most basic mechanisms of transparency while handing billions to Wall Street, we will have victimized the American people and done irreparable harm to the reputation of this institution.

I hope in the future the majority needs our incoming President's call for bipartisanship in this body and openness in government, goals toward which my amendment would have made progress.

Mr. DREIER. Mr. Speaker, I yield myself the balance of our time, and the gentleman from Massachusetts is going to offer his closing statements then.

I would just like to take a moment if I might, Mr. Speaker. The distinguished chairman of the Financial Services Committee, Mr. Frank, as he reminded us in the Rules Committee the day before yesterday, and I came to Congress in 1980. We did so at a very challenging economic time for the United States.

I would like to remind our colleagues that Ronald Reagan was elected President the same day that Mr. Frank and I were elected to serve in the House of Representatives. At that time we were dealing with double-digit unemployment, interest rates of over 18 percent, a real estate bubble, and economic news that was, in fact, very, very dire.

Now, I am no way diminishing, diminishing, the seriousness of the economic challenges that we face today, think that it is important for us to note that the economy that Ronald Reagan inherited, when some of us first arrived here, was, in fact, in a more serious and dire circumstance than we face today. The reason I say that is because in 1980 a yard line over the last week or two to say that we are, in fact, in the most serious economic time since the Great Depression.

Now, I hope and pray that that is not the case, but, again, if we look at simply the numbers that existed in the early part of the 1980s, when Mr. Frank and I arrived here in the Congress, to what they are today, we still have a lot of work to do, but I believe that Ronald Reagan faced more serious challenges than we face now.

Now, I will say that I don't know what tomorrow is going to bring. No one knows what tomorrow is going to bring, but I believe that the solutions that we put into place in the early 1980s were, in fact, very positive ones, which brought about marginal rate reduction, which increased by $1 trillion the flow of revenues to the Federal Treasury through the 1980s. And, yes, we did see an increase in the size of the Federal deficit.

This Congress ended up spending an awful lot more money than had been anticipated or than Ronald Reagan or some of the rest of us would have wanted. We also know that there was a dramatic buildup in defense spending that took place during the 1980s, and I believe at this juncture we have seen the great benefit of that.

In fact, this year we marked the very important 20th anniversary of many, many, many of the great accomplishments that came from what Ronald Reagan did during the 1980s.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield to my friend, the distinguished Chair of the Committee on Financial Services.

Mr. FRANK of Massachusetts. He says that Ronald Reagan didn't like the spending of the Congress during his administration. Of course, for 6 of those 8 years he had a Republican Senate and the point is, if he didn't like it, he exercised great self-restraint because he never vetoed one of those spending bills that he apparently didn't like.

Mr. DREIER. Well, if I could reclaim my time, I would say that Ronald Reagan did not like a lot of that spending. Maybe he tolerated some of that spending, is what I might acknowledge.
Mr. Speaker, I urge my colleagues to vote “no” on this rule and on the underlying legislation. I appreciate the history lesson on Ronald Reagan and the Berlin Wall and all the other things that were mentioned. But the harsh reality is that people are suffering. As we speak, people are losing their homes. The foreclosure numbers in December were the second highest, were the second highest in the history of this country. People need help now. We need to do something now.

So the point of this legislation is to help provide a blueprint for this new administration which has already outlined similar views but to basically reframe what they have said they want to do, to help provide foreclosure relief, more accountability, to be able to help small businesses get the credit they need, so they can employ more people. We need to get this economy on the right track, and Congress should have a say in it.

So I would urge my colleagues to vote “yes” on the underlying bill and I would urge them to vote “yes” on the bill. I urge a “yes” vote on the previous question.

Ms JACKSON-LEE of Texas. Thank you, Mr. Speaker, for affording me this opportunity to address the rule today for consideration of H.R. 384, the TARP Reform and Accountability Act of 2009. I believe the rule can be supported by every Member of the House.

Mr. Speaker, I was pleased to work with Chairman FRANK and his staff on significant portions of this Manager’s Amendment to ensure that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that this Manager’s Amendment does just this.

This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager’s Amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds. It’s been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks, however smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue “the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government that are on par with capital injections, as other banks can.” While Treasury officials state they are “working on a solution,” for these private banks time is of the essence. The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry’s total assets and play a vital role in small business and agriculture lending. Community banks provide 9 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

Specifically, I worked with Chairman FRANK on the language in the Manager’s Amendment. In Section 107, the Manager’s Amendment creates an Office of Minority and Women Owned Businesses (OMWIB) which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants. Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. Measures to ensure diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolio making, equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Owned Businesses which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager’s Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses. This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. MCGOVERN, Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 384.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, with Mr. Ross (Acting Chair) in the Chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, January 14, 2009, all time for general debate, pursuant to House Resolution 53, had expired.

Pursuant to House Resolution 62, no further general debate is in order, and the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is, as follows:—

H.R. 384

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “TARP Reform and Accountability Act of 2009.”

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

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

Sec. 101. New conditionality for TARP-assisted institutions.
Sec. 102. Executive compensation and corporate governance.
Sec. 103. New lending by insured depository institutions that is attributable to TARP investments and assistance.
Sec. 104. Other protections for the taxpayer.
Sec. 105. Availability of TARP funds to smaller community institutions.
Sec. 106. Increase in size and authority of Financial Stability Oversight Board.
Sec. 107. Clarification.

TITLE II—FORECLOSURE RELIEF

Sec. 201. TARP foreclosure mitigation plan and implementation.
Sec. 203. Program alternatives.

Sec. 101. NEW CONDITIONALITY FOR TARPT-ASSISTED INSTITUTIONS.

(a) In General.—Section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223) is amended by adding at the end the following new subsections:

(9) PERIODIC PUBLIC REPORTING ON USE OF ASSISTANCE.—The Secretary shall require any assisted institution that became an

insured depository institution on or after October 3, 2008, to publicly report, not less than quarterly, any assisted institution to meet standards for executive compensation and corporate governance while any assistance under this title is outstanding.

(1) STANDARDS REQUIRED.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009 and notwithstanding any provision of, and in addition to any requirement of subsection (a), (b), or (c) of section 114 of the

title, the Secretary shall require any assisted institution to meet standards for executive compensation and corporate governance while any assistance under this title is outstanding.

(2) SPECIFIC REQUIREMENTS.—The standards established under paragraph (1) shall include—

(A) limits on compensation that exclude incentives for senior executive officers of an assisted institution to take unnecessary and excessive risks that threaten the value of such institution during the period that any assistance under this title is outstanding;

(B) a prohibition on such institution paying or accruing any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate;

(C) a prohibition on such institution making any golden parachute payment to a senior executive officer during the period that the assistance under this title is outstanding;

(D) a prohibition on such institution paying or accruing any bonus or incentive compensation, during the period that the assistance under this title is outstanding, to the 25 most highly-compensated employees; and

(E) a prohibition on any compensation plan that would encourage manipulation of an institution’s financial statements or fail to enhance the compensation of any of its employees.

(3) DIVESTITURE.—During the period in which any assistance under this subsection is outstanding, the institution may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such institution shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the institution immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the Secretary that all reasonable steps are being taken to sell or divest such aircraft or interest.

(4) APPLICABILITY TO PRIOR ASSISTANCE.—Notwithstanding any limitations included in subsection (a), (b), or (c) with respect to any assistance under this title or on or after the date of the enactment of the TARP Reform and Accountability Act of 2009.

(5) BOARD OBSERVER.—The Secretary may require the attendance of an observer delegated by the Secretary, on behalf of the Secretary, to attend the meetings of the boards of directors of any assisted institution that became an assisted institution on or after

H336

CONGRESSIONAL RECORD — HOUSE

January 15, 2009


Sec. 502. Funding of increased HOPE for HOMEOWNERS.

Sec. 402. Municipal securities.

Sec. 403. Commercial real estate loans.

TITLE V—HOPE FOR HOMEOWNERS.

Sec. 703. Borrowing authority.

Sec. 105. Modification of definition of "assistance or benefit that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under title I.

TITLE VII—FDIC PROVISIONS.

Sec. 402. Municipal securities.

Sec. 502. Funding of increased HOPE for HOMEOWNERS.

Sec. 601. Home buyer stimulus program.

Sec. 602. Funding of increased HOPE for HOMEOWNERS Program credit subsidy costs.

TITLEVI—HOME BUYER STIMULUS.

Sec. 702. Extension of restoration plan period.

Sec. 703. Borrowing authority.

Sec. 701. Permanent increase in deposit insurance limits.

Sec. 403. Commercial real estate loans.

Sec. 402. Municipal securities.

Sec. 401. Consumer loans.

Sec. 402. Municipal securities.

Sec. 403. Commercial real estate loans.

TITLE VII—FDIC PROVISIONS.


Sec. 203. Program alternatives.

Sec. 204. Modification of plan.

Sec. 205. Servicer safe harbor.

amended by striking paragraph (1) and in-
Stabilization Act of 2008 (12 U.S.C. 5223(d)) is
mines appropriate.
stitution, whichever the Secretary deter-
financial institution, or any company that
yses of which are traded on a national securi-
provide any assistance under this title to
ment that is the economic equivalent (as de-
(2) power, whichever the Secretary determines
or voting stock, with respect to which the
ances of which are traded on a national securi-
TROUBLED ASSETS RELIEF PROGRAM .—
ments and assistance.
ming for depository institutions that—
Section 716 of the Federal Deposit Insur-
emergency Economic Stabilization Act of 2008 to
funds made available to the Secretary under
ment 113(d)(3) of the Emergency Economic
by the Emergency Economic Stabilization
S Corporation’ and ‘‘C Corporation’’ shall have the same meaning given
in the Emergency Economic Stabilization
of which are not traded on a
pany or company that controls a majority of
in an amount up to
funds made available to the Secretary under
"(g) REVIEW AND DECISIONMAKING.—After
conducting any review under this section of
The Federal banking agencies and
ments.—Section 113(d)(2) of the Emergency
sional plan to prevent and mitigate foreclosures on
ments.—The warrants or instru-
by the Federal Deposit Insurance
that is a mutual association or the securi-
panies that have not been committed.
"'(1) WARRANT REQUIREMENTS.—Subsection
"(a) WARRANT REQUIREMENTS.—Subsection
"(1) LENDING INCREASES ATTRIBUTABLE TO
INVESTMENT OR OTHER ASSISTANCE UNDER
the Banks and Institutions that is
ment 113(d)(3) of the Emergency Economic
ment of which are traded on a national securi-
 Section 113(d)(3) of the Emergency Economic
"(ii) IN GENERAL.—The exercise price on a warrant or instrument de-
paragraph (1) shall be:
"(a) IN GENERAL.—Each report of condition filed pursuant to this subsection by an in-
sured depository institution which received an
investment or other assistance under the
Troubled Assets Relief Program established by
the Emergency Economic Stabilization Act of 2008 shall report the
amount of any increase in new lending in the period covered by such report (or the reduction in any
increase in new lending) that is attributable to such investment or assistance, to the extent possible.
"(f) CLARIFICATION.—Any provision of cap-
to, purchase of equity in, or assistance
provided to any institution under this title shall be considered to be a purchase of trou-
bled assets for purposes of this title.

TITLE II.—FORECLOSURE RELIEF
SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.
(a) PLAN REQUIRED.—Notwithstanding any provision of title I of the Emergency Eco-
nomic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the ‘‘Secretary’’) pursuant to section 1113(b) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been
developed by the Secretary and approved by the Financial Stability Oversight Board by such date.
(b) COMMITMENT OF RESOURCES.—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds otherwise available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to $100,000,000,000, but in no case less than $40,000,000,000.
(c) IMPLEMENTATION REQUIRED.—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) not later than April 1, 2009.
"(g) REVIEW AND DECISIONMAKING.—After
conducting any review under this section of
The Federal banking agencies and
ments.—The warrants or instru-
by the Federal Deposit Insurance
that is a mutual association or the securi-
panies that have not been committed.

TITLE II.—FORECLOSURE RELIEF
SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.
(a) PLAN REQUIRED.—Notwithstanding any provision of title I of the Emergency Eco-
nomic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the ‘‘Secretary’’) pursuant to section 1113(b) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been
developed by the Secretary and approved by the Financial Stability Oversight Board by such date.
(b) COMMITMENT OF RESOURCES.—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds otherwise available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to $100,000,000,000, but in no case less than $40,000,000,000.
(c) IMPLEMENTATION REQUIRED.—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) not later than April 1, 2009.
"(g) REVIEW AND DECISIONMAKING.—After
conducting any review under this section of
The Federal banking agencies and
ments.—The warrants or instru-
by the Federal Deposit Insurance
that is a mutual association or the securi-
panies that have not been committed.

TITLE II.—FORECLOSURE RELIEF
SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.
(a) PLAN REQUIRED.—Notwithstanding any provision of title I of the Emergency Eco-
nomic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the ‘‘Secretary’’) pursuant to section 1113(b) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been
developed by the Secretary and approved by the Financial Stability Oversight Board by such date.
(b) COMMITMENT OF RESOURCES.—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds otherwise available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to $100,000,000,000, but in no case less than $40,000,000,000.
(c) IMPLEMENTATION REQUIRED.—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) not later than April 1, 2009.
"(g) REVIEW AND DECISIONMAKING.—After
conducting any review under this section of
The Federal banking agencies and
ments.—The warrants or instru-
by the Federal Deposit Insurance
that is a mutual association or the securi-
panies that have not been committed.
SEC. 202. ELEMENTS OF PLAN.
(a) Required Elements.—The comprehensive plan established pursuant to section 201(a) shall comply with the following requirements:

(1) Owner-occupied residences only.—The programs and mitigations under the plan shall focus on preventing and mitigating foreclosures on owner-occupied residential properties.

(2) Leveraging of private capital.—The plan shall leverage capital to the maximum extent possible consistent with the purpose of preventing and mitigating foreclosures on such properties.

(b) Concentrations of Foreclosures.—The comprehensive plan established pursuant to section 201(a) may include provisions designed to prevent and mitigate foreclosures on residential properties located in areas that are most seriously affected by such foreclosures.

SEC. 203. PROGRAM ALTERNATIVES.

The program alternatives set forth in this section are as follows:

(1) Systematic Loan Modification Program. —The systematic foreclosure prevention and mortgage modification program under section 204.

(2) Reduction of Hope for Homeowners Program Costs. —A program under which the Secretary—

(A) provides coverage for fees under the HOPE for Homeowners Program under section 257 of the National Housing Act (12 U.S.C. 1715z–23), as amended by title V of this Act; or

(B) ensures the affordability of interest rates of mortgages insured under such Program.

(3) Buy-down of Second Lien Mortgages.—A program under which the Secretary makes available to owners of owner-occupied residential properties a direct mortgage loan the proceeds of which shall be used only to reduce the outstanding debt of such owner under an existing second lien mortgage on such residential property, for the purpose of facilitating loan modification, subject to such sector-wide guidelines as the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, determines at any time that modification of any component program element is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosures mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

SEC. 205. SERVICER SAFE HARBOR.

(a) In General.—If the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, determines at any time that modification of any component program element is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosures mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

(b) Loan Modifications and Workout Plans.—Notwithstanding any other provision of law, and notwithstanding any loan modification or mortgage workout plan initially approved by the Board pursuant to section 201(a) (as such plan may subsequently have been modified pursuant to this section), or that modification of any component program element, is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosures mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

(2) Ability to Modify Mortgages.—

(A) Ability.—Notwithstanding any other provision of law, and notwithstanding any loan modification or mortgage workout plan initially approved by the Board pursuant to section 201(a), the Secretary shall, to the extent that modification of any component program element, is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosures mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

(c) Exclusion for Early Payment Default.—To promote sustainable mortgages, loss sharing or guarantees shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage.

(d) Standard Net Present Value Test.—In order to promote consistency and simplicity in implementation and audit, the Secretary shall provide the net present value analysis for participating lenders and servicers comparing the expected net present value of modifying past due loans compared to the net present value of the loans on them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided. Based on a ratio of the borrower's mortgage-related expenses for the first priority mortgage-to-gross income specified by the Secretary.

(e) Systematic Loan Review by Participating Lenders and Servicers.—Participating lenders and servicers shall be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to offer modifications for all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be that such lender or servicer may be deemed to have materially participated in the program until such a systematic program was introduced.

(5) Modifications.—Modifications may include any of the following:

(A) Reduction in interest rates and fees.

(B) Term or amortization extensions.

(C) Forbearance or forgiveness of principal.

(D) Other similar modifications.

(6) Simplified Loss Sharing Calculation.—In order to ensure the administrative efficiency and effective operation of the program, the Secretary may use appropriate measures for loss sharing or guarantees designed to reduce the risk and loss upon re-default of modified mortgages in order to provide appropriate incentives to lenders, servicers, and investors to modify eligible mortgages and avoid unnecessary foreclosures. Interim modifications shall be allowed.

(7) De Minimis Test.—To lower administrative costs, a de minimis test shall be used to exclude from loss sharing any modification that does not lower the monthly payment by at least 10 percent.

(8) Year Limit on Loan Sharing Payments.—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

(9) Alternative Components.—The Secretary may, with the approval of the Board, implement foreclosure prevention and mitigation actions other than those included pursuant to subsection (c) in the comprehensive plan initially approved by the Board pursuant to section 201(a) that the Secretary believes would have a greater impact on foreclosure mitigation.

(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to implement this section and prevent evictions thereof.

(f) Troubled Assets.—The costs incurred by the Federal Government in carrying out the loan modifications and mortgage workout plans established under this section shall be covered out of the funds made available to the Secretary of the Treasury under section 118 of the Economic Stabilization Act of 2008 or such other funds as may be available to the Secretary.

(g) Report.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall submit a progress report to the Congress containing such data, and such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.
modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle, if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

(B) CRITERIA.—The criteria under this subparagraph with respect to a mortgage are as follows:

(i) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

(ii) The property securing such mortgage is occupied by the mortgagor of such mortgage.

(iii) The servicer reasonably and in good faith believes that the anticipated recovery on the mortgage, subject to the outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(C) APPLICABILITY.—This subsection shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before January 1, 2012.

(D) REQUIREMENTS.—In an unsuccessful action is brought against a servicer by any person described in subparagraph (A), (B), or (C) of subsection (a)(1), such person shall bear any and all reasonable attorney fees and expert witness fees, incurred in good faith in such action, as determined by the court.

(E) Servicer.—The servicer that engages in loan modifications or workout plans shall submit to the effective acts as economic stabilization, financial aid to commerce and industry, financial restructuring, energy efficiency, and economic measures established under this section for the purposes of this title, including the facilitation of restructuring necessary to achieve the long-term financial viability of domestic automobile manufacturers, who shall serve at the pleasure of the President.

(F) Additional Persons.—The President or the President’s designee may also employ, appoint, or contract with additional persons having such expertise as the President or the President’s designee believes will assist the Government in carrying out the purposes of this title.

(G) PARTICIPATION BY OTHER AGENCY PERSONNEL.—Other Federal agencies may provide, at the request of the President’s designee, staff on detail from such agencies for purposes of carrying out this title.

SEC. 403. BRIDGE FINANCING.

(a) AUTHORIZATION.—The President’s designee shall authorize and direct the disbursement of credits or enter into commitments for such loan or commitment. Nothing in this section shall preclude the President’s designee from authorizing and directing the disbursement of bridge loans or entering into commitments for lines of credit to other entities.

(b) AMOUNT OF ASSISTANCE.—The President’s designee shall authorize bridge loans or commitments for lines of credit to each eligible automobile manufacturer that submitted a plan to the Congress on December 2, 2008 (hereafter in this title referred to as a ‘plan’ for purposes of this title). Each evaluation required under paragraph (1) for any eligible automobile manufacturer shall be conducted by representatives of interested parties (in this title referred to as ‘interested parties’).

(1) FACILITATION.—

(i) employees and retirees of the eligible automobile manufacturer;

(ii) trade unions;

(iii) creditors;...
“(3) the achievement of a positive net present value, using reasonable assumptions and taking into account all existing and projected future costs, including repayment of any portion of assistance provided pursuant to this title;

“(4) the ability to rationalize costs, capitalization, and capacity with respect to the manufacturing, converting, supplying, and dealerships of the eligible automobile manufacturer;

“(5) proposals to restructure existing debt, including, where appropriate, the conversion of debt to equity, to improve the ability of the eligible automobile manufacturer to raise private capital; and

“(6) an ongoing comparison of cost structure that is competitive in the marketplace.

“(c) EXTENSION OF NEGOTIATIONS AND PLAN DEADLINE.—Notwithstanding the time limitation referred to in paragraph (1) with respect to the President’s designee, including requiring any officer or employee of the eligible automobile manufacturer, or any person having voting power, which is less than a majority of the stock thereof, control of an affiliate or subsidiary of an automobile manufacturer, or any person exercising control of a majority of the stock thereof.

“SEC. 406. FINANCING FOR RESTRUCTURING.

“Upon approval by the President’s designee of a restructuring plan, the President’s designee may extend for not longer than 30 additional days the time and place requested and to provide such books, papers, records, or other data, as relevant or material.

“SEC. 407. DISAPPROVAL AND CALL OF LOAN.

“If the President’s designee has not approved the restructuring plan at the expiration of the period provided in section 405 for submission and approval of the restructuring plan, the President’s designee shall call the loan or cancel the commitment within 30 days, unless a restructuring plan is approved within that period.

“SEC. 408. TERMS AND CONDITIONS.

“(a) DURATION.—The duration of any loan made under this title shall be 7 years, or such period as the President’s designee may determine with respect to such loan.

“(b) APPROVAL.—A loan made under this title shall be payable without penalty at any time.

“(c) INTEREST.—As a condition for the receipt of any financial assistance made under this title, an eligible automobile manufacturer shall agree—

“(1) that the President’s designee may examine any books, papers, records, or other data of the eligible automobile manufacturer, and those of any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such automobile manufacturer, that may be relevant to the financial assistance, including compliance with the terms of a loan or any conditions imposed under this title; and

“(2) to provide in a timely manner any information requested by the President’s designee, including any officer or employee of the eligible automobile manufacturer, any subsidiary, affiliate, or entity referred to in paragraph (1) with respect to such manufacturer, or any person having possession, custody, or care of the reports and records required under paragraph (1), to appear before the President’s designee at a time and place requested and to provide such books, papers, records, or other data, as requested, as may be relevant or material.

“(d) OVERSIGHT OF TRANSACTIONS AND FINANCIAL CONDITION.

“(1) DUTY TO INFORM.—During the period in which any loan extended under this title remains outstanding, the eligible automobile manufacturer approved such loan shall promptly inform the President’s designee of—

“(A) any asset sale, investment, contract, commitment, or other transaction proposed to be entered into by such eligible automobile manufacturer that has a value in excess of $300,000;

“(B) any other material change in the financial condition of such eligible automobile manufacturer;

“(C) AUTHORITY OF THE PRESIDENT’S DESIGNEE.—During the period in which any loan extended under this title remains outstanding, the President’s designee may—

“(1) review any asset sale, investment, contract, commitment, or other transaction described in paragraph (1); and

“(2) prohibit the eligible automobile manufacturer which received the loan from consummating any such proposed sale, investment, contract, commitment, or other transaction if the President’s designee determines that consummation of such transaction would be inconsistent with or detrimental to the long-term viability of the eligible automobile manufacturer.

“(3) PROCEDURES.—The President’s designee may establish procedures for conducting any review under this subsection.

“(e) CONSEQUENCES FOR FAILURE TO COMPLY.—The terms of any financial assistance made under this title shall provide that if—

“(1) the 15-day trailing average, as of the day before the date on which any commitment to provide a loan was entered into, of the market price of the common stock of the eligible automobile manufacturer which received any loan under this title; or

“(2) the market price of the common stock under this title remains outstanding, the eligible automobile manufacturer, whichever the President’s designee determines appropriate.

“SEC. 409. TAXPAYER PROTECTION.

“(a) WARRANTS.—

“(1) IN GENERAL.—The President’s designee may not provide any loan under this title, unless the President’s designee, or such department or agency as is designated for such purpose by the President, receives from the eligible automobile manufacturer—

“(A) warrants or similar instruments, in an amount and of a form to be determined by the President’s designee under paragraph (2); and

“(B) any other financial assistance provided pursuant to this title shall be subject to—

“(i) the 15-day trailing average, as of the day before the date on which any commitment to provide a loan was entered into, of the market price of the common stock of the eligible automobile manufacturer which received any loan under this title; or

“(ii) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (i), as determined by the President’s designee.

“(b) COMMON STOCK WARRANT.—The exercise price on a warrant or instrument described in paragraph (1) shall be—

“(1) after March 31, 2009, the eligible automobile manufacturer which received the financial assistance has failed to make adequate progress towards meeting the restructuring progress assessment measures established by the President’s designee under section 404(a) with respect to such recipient.

“(2) after March 31, 2009, the eligible automobile manufacturer which has been approved by the President’s designee, the auto manufacturer fails to make adequate progress in the implementation of the plan, as determined by the President’s designee.

“(c) EXTENSION OF NEGOTIATIONS AND PLAN DEADLINE.—Notwithstanding the time limitation referred to as the ‘warrant common’; and

“(b) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (i), as determined by the President’s designee.

“(C) TERMS OF PREFERRED STOCK WARRANTS.—

“(1) IN GENERAL.—The initial exercise price for the preferred stock warrant shall be $0.01 per share or such greater amount as the corporate charter may require as the par value per share of the warrant preferred. The Government shall have the right to immediately exercise the warrants.

“(2) S T A N D A R D S R E Q U I R E D .—The warrants or instruments described in paragraph (1) shall be—

“(1) an evaluation by the President’s designee of the restructuring progress assessment measures established by the President’s designee under section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) shall apply to any warrant or instrument described in paragraph (1), including any antitipation protection provisions therein.

“(2) EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.—

“(1) IN GENERAL.—During the period in which any financial assistance under this title remains outstanding, the eligible automobile manufacturer which received such assistance shall be subject to—

“(1) standards established by the President’s designee under paragraph (2); and

“(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

“(2) STANDARDS REQUIRED.—The President’s designee shall require any eligible automobile manufacturer which received any financial assistance under this title to meet appropriate standards for executive compensation and corporate governance.
(3) SPECIFIC REQUIREMENTS.—The standards established under paragraph (2) shall include—

(A) limits on compensation that exclude incentives and executive officer fringe benefits of the eligible automobile manufacturer which received assistance under this title to take unnecessary and excessive risks that threaten the viability of the automobile manufacturer during the period that the loan is outstanding;

(B) a provision for the recovery by such automobile manufacturer of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be misleading or inaccurate;

(C) a prohibition on such automobile manufacturer making any golden parachute payment to a senior executive officer during the period that the loan is outstanding;

(D) a prohibition on such automobile manufacturer paying or accruing any bonus or incentive compensation during the period that the loan is outstanding for financial assistance received pursuant to this title.

(4) DIVESTITURE.—During the period in which the assistance provided under this title to any eligible automobile manufacturer is outstanding, the eligible automobile manufacturer may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such eligible automobile manufacturer shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the manufacturer immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the President’s designee that all reasonable steps are being taken to sell or divest such aircraft or interest.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) SENIOR EXECUTIVE OFFICER.—The term ‘senior executive officer’ means an individual who is one of the top five most highly compensated employees of such automobile manufacturer, and such loan shall be senior and prior to all obligations, liabilities, and debts of the eligible automobile manufacturer, and such eligible automobile manufacturer shall provide to the Government, all available security and collateral against which the loans under this title shall be outstanding.

(B) APPLICABILITY IN CERTAIN CASES.—In the case of an eligible automobile manufacturer referred to in paragraph (1), the securities of which are listed on a national securities exchange, a loan under this title to the eligible automobile manufacturer shall—

(A) be treated as a loan to any holding company of the manufacturer that has a majority interest in such manufacturer, in the eligible automobile manufacturer; and

(B) be senior and prior to all obligations, liabilities, and debt of the company or company that controls a majority interest in the eligible automobile manufacturer.

(C) ADDITIONAL TAXPAYER PROTECTIONS.—

(1) DISCHARGE.—A discharge under title 11, United States Code, shall not discharge an eligible automobile manufacturer, or any successor in interest thereto, from any debt of the eligible automobile manufacturer, while such financial assistance is outstanding.

(2) EXEMPTION.—An eligible automobile manufacturer may not own or lease any private passenger aircraft, or have any interest in such aircraft, except with respect to such aircraft or interest, (A) be treated as a loan to any holding company of the manufacturer that has a majority interest in such manufacturer, in the eligible automobile manufacturer; and

(B) be senior and prior to all obligations, liabilities, and debt of the company or company that controls a majority interest in the eligible automobile manufacturer.

(D) a prohibition on such automobile manufacturer paying or accruing any bonus or incentive compensation during the period that the loan is outstanding; and

(E) a prohibition on any compensation plan that would encourage manipulation of earnings to enhance the compensation of any of its employees.

(6) DIVESTITURE.—During the period in which the assistance provided under this title to any eligible automobile manufacturer is outstanding, the eligible automobile manufacturer may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such eligible automobile manufacturer shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the manufacturer immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the President’s designee that all reasonable steps are being taken to sell or divest such aircraft or interest.

(7) INTERESTED PARTIES.—Notwithstanding any provision of title 11, United States Code, any interest in property or equity rights of the United States arising from financial assistance provided to an eligible automobile manufacturer under this title shall remain unaffected by any plan of reorganization, except as the United States may agree to in writing.

SEC. 410. OVERSIGHT AND AUDITS.

(a) COMPTROLLER GENERAL OVERSIGHT.—

(1) SCOPE OF OVERSIGHT.—The Comptroller General shall conduct ongoing oversight of the activities and performance of the President’s designee.

(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

(A) GAO PRESENCE.—The President’s designee shall provide to the Comptroller General appropriate space and facilities for purposes of this section.

(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in the possession, custody, or control of such recipient or in the possession, custody, or control of any officer, director, or other agent or representative of such recipient, or any related entity, at such reasonable times as the Comptroller General may request.

(c) REPORTING ON PROGRESS TOWARD ACHIEVING AN ACCEPTABLE NEGOTIATED PLAN.

(a) AUTHORITY TO FACILITATE A NEGOTIATED PLAN.—At any time the President’s designee determines that action is necessary to avoid disruption to the economy or to achieve a negotiated plan, the President shall submit to Congress a report outlining any additional powers and authorities necessary to facilitate
the completion of a negotiated plan required under section 456.

"(b) IMPEDIMENTS TO ACHIEVING NEGOTIATED PLANS.—If the President’s designee determines, on the basis of an evaluation by the President’s designee of the progress being made by an eligible automobile manufacturer to meet the restructuring progress assessment measures established under section 404, that adequate progress is not being made toward achieving a negotiated plan by March 31, 2009, the President’s designee shall submit to Congress a report detailing the impediments to achievement of a negotiated plan by the eligible automobile manufacturer.

"SEC. 413. SUBMISSION OF PLAN TO CONGRESS BY THE PRESIDENT’S DESIGNEE.—

"Upon submitting a report pursuant to section 412(b), the President’s designee shall provide to Congress a plan that represents the judgment of the President’s designee as to the steps necessary to achieve the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer, consistent with the factors set forth in section 405(b), including through a negotiated plan, a plan to be implemented by legislation, or a reorganization pursuant to chapter 11 of title 11, United States Code.

"SEC. 414. COORDINATION WITH OTHER LAWS.—

"(a) IN GENERAL.—No provision of this title may be construed as altering, affecting, or superseding:

"(1) the provisions of section 129 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, relating to funding for the manufacture of advanced technology vehicles;

"(2) any existing authority to provide financial assistance or liquidity for purposes of the day-to-day operations in the ordinary course of business or research and development,

"(3) any antitrust provisions.

"(b) ANTITRUST PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (4), the antitrust laws shall not apply to meetings, discussions, or consultations among an eligible automobile manufacturer and its interested parties for the purpose of achieving a negotiated plan pursuant to section 405(a)(2).

"(2) EXCLUSIONS.—Paragraph (1) shall not apply with respect to price-fixing, allocating a market between competitors, monopolizing (or attempting to monopolize) a market, or boycotts.

"(3) ANTITRUST AGENCY PARTICIPATION.—

"The Attorney General of the United States and the Federal Trade Commission shall, to the extent practicable, receive reasonable advance notice of, and be permitted to participate in, each meeting, discussion, or consultation described in paragraph (1).

"(4) PRESERVATION OF ENFORCEMENT AUTHORITY.—Paragraph (1) shall not be construed to preclude the Attorney General of the United States or the Federal Trade Commission from enforcing an enforcement action under the antitrust laws for injunctive relief.

"(5) SUNSET.—Paragraph (1) shall apply only with respect to meetings, discussions, or consultations occurring within a one-year period beginning on the date of the enactment of this title.

"(6) DEFINITION.—For purposes of this subsection, the term ‘antitrust laws’—

"(A) has the same meaning as in section (a) of the first section of the Clayton Act (15 U.S.C. 12a), except that such term includes the provisions of State law that are similar to the laws referred to in subparagraph (A).

"SEC. 415. TREATMENT OF ReSTRUCTURING FOR PURPOSES OF APPLYING LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

"Section 382 of the Internal Revenue Code of 1986 shall not apply in the case of an ownership change resulting from this title to a restructuring plan approved under this title.

"SEC. 416. CLARIFICATION OF AVAILABILITY OF FINANCIAL SUPPORT FOR FINANCING ARMS.

"The authority of the President’s designee to provide assistance to any eligible automobile manufacturer includes the authority to provide company affiliates of the manufacturer to ensure that such affiliates have the necessary resources to continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor plan loans.

"TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

"SEC. 401. CONSUMER LOANS.

"Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following new section:

"SEC. 137. CLARIFICATION OF AUTHORITY REGARDING CONSUMER LOANS.

"(1) The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of consumer loans, including loans for autos and other vehicles and student loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.

"SEC. 402. MUNICIPAL SECURITIES.

"Section 103 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211) is amended by adding after subsection (f) the following new subsection:

"SEC. 416. CLARIFICATION OF AUTHORITY REGARDING MUNICIPAL SECURITIES.—

"(1)Clarification. The authority of the Secretary to take any action under this title includes the authority to provide support to State and local governments, and issuers of municipal securities, which are having difficulty accessing appropriate financing in the ordinary course of business.

The support includes the direct purchase of municipal securities and providing credit enhancement in connection with municipal securities whose purchase is financed under any facility provided by the Board or any Federal reserve bank.

"(2) DEFINITION.—For purposes of this subsection, the term ‘municipal security’ has the meaning given the term ‘State or local bond’ in section 103(c) of the Internal Revenue Code of 1986 (26 U.S.C. 103(c)) and the regulations thereunder.

"SEC. 403. COMMERCIAL REAL ESTATE LOANS.

"Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 137 (as added by section 401 of this title) the following new section:

"SEC. 138. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL REAL ESTATE LOANS.

"The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of commercial real estate loans, including through purchase of asset-backed securities, directly or through the Board of Governors of the Federal Reserve System or any Federal reserve bank.

"TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

"SEC. 501. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

"Section 257 of the National Housing Act (12 U.S.C. 1715z-23) is amended—

(1) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2)(B), by striking ‘‘90 percent’’ and inserting ‘‘95 percent’’;

(C) by striking paragraph (7);

(D) in paragraph (9), by striking ‘‘by procuring’’ and all that follows through ‘‘any other method’’;

(E) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (9), (10), and (11) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively;

(2) in subsection (h)(2), by striking ‘‘, or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage’’;

(3) by striking subsection (i) and inserting the following new subsection:

"(1)ANNUAL PREMIUMS.—

"(1) IN GENERAL.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect an annual premium in an amount equal to not more than 0.55 percent of the remaining insured principal balance of the mortgage and not more than 0.75 percent of such remaining insured principal balance, as determined according to a schedule established by the Board that assigns such annual premiums based upon the credit risk of the mortgage.

"(2) REDUCTION OR TERMINATION DURING MORTGAGE TERM.—Notwithstanding paragraph (1), the Secretary may provide that the annual premium charged for refinanced eligible mortgages insured under this section are reduced over the term of the mortgage or that the collection of such premiums is discontinued at some time during the term of the mortgage, in a manner that is consistent with policies for such reduction or discontinuation of annual premiums charged for mortgages in accordance with section 205(c).

"(3) BY SUBORDINATION.—

"(A) by striking the subsection heading and inserting ‘‘(A) by—’’;

"(B) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘‘such safe or refinancing’’ and inserting ‘‘the mortgage being insured under this section’’;

"(C) by striking paragraph (2);

"(D) in subsection (b)(3), by striking ‘‘(e)(1)’’ and inserting ‘‘(e)(3)’’;

"(E) by striking the last sentence of section 205(c).

"(4) IN SUBSECTION (K).—

"(A) by striking the subsection heading and inserting ‘‘(K) by—’’;

"(B) by striking the last sentence of section 205(c).

"(5) IN SUBSECTION (O),—

"(A) by striking the last sentence of section 205(c).

"(B) by striking the last sentence of section 205(c).

"(6) IN SUBSECTION (V),—

"(A) by striking the last sentence of section 205(c).

"THE BOARD shall convey documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 205(b) to the maximum extent possible consistent with the requirements of this section.

"(7) IN SUBSECTION (W)(1)(C),—

"(A) by striking the last sentence of section 205(c).

"(B) by striking the last sentence of section 205(c).

"(8) IN SUBSECTION (X)(A),—

"(A) by striking the last sentence of section 205(c).

"(B) by striking the last sentence of section 205(c).

"(C) by striking the last sentence of section 205(c).

"(a) Payment to Existing Loan Servicer. The Board shall establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program.

"(b) FUNDING OF INCREASED HOPE FOR HOMEOWNERS PROGRAM CREDIT SUBSIDY COSTS.

"Section 257 of the National Housing Act (12 U.S.C. 1715z-23) is amended by adding after subsection (x) (as added by section 501 of this title) the following new section:

"(c) PAYMENT TO EXISTING LOAN SERVICER.—The Board may establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program.

"(d) FUNDING OF CREDIT SUBSIDY COSTS OF 2009 AMENDMENTS.—Notwithstanding section
TITLE VII—FDIC PROVISIONS
SEC. 701. PERMANENT INCREASE IN DEPOSIT INSURANCE.
(a) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE CORPORATION ACT.—Section 1338(b) of the Federal Deposit Insurance Act (12 U.S.C. 1823(b)) is amended—
(1) in paragraph (3)(E), by striking "$100,000" and inserting "$250,000"; and
(2) in subsection (w), by striking "$100,000" and inserting "$250,000";

(b) PURCHASE OBLIGATIONS AND SECURITIES.—Section (b) of the Federal Credit Union Act (12 U.S.C. 1717(c)) is amended—
(1) by striking paragraph (5) and inserting "(5) the Federal Deposit Insurance Corporation (the "Corporation") and its subsidiaries, the Federal Home Loan Bank System, any Federal Home Loan Bank, or the Federal Home Loan Bank System shall be exempt from the requirements of section 207(k) of the Federal Credit Union Act (12 U.S.C. 1817(k)) and shall be eligible to purchase obligations and securities of the Corporation and its subsidiaries, the Federal Home Loan Bank System, and the Federal Home Loan Banks and shall be eligible to purchase obligations and securities of the Corporation and its subsidiaries, the Federal Home Loan Bank System, and the Federal Home Loan Banks in an amount equal to the purchase of obligations and securities authorized by this section; and
(2) by striking paragraph (6) and inserting "(6) each financial institution, as defined in section 207(k) of the Federal Credit Union Act (12 U.S.C. 1817(k)), shall be eligible to purchase obligations and securities of the Corporation and its subsidiaries, the Federal Home Loan Bank System, and the Federal Home Loan Banks and shall be eligible to purchase obligations and securities of the Corporation and its subsidiaries, the Federal Home Loan Bank System, and the Federal Home Loan Banks in an amount equal to the purchase of obligations and securities authorized by this section; and

(c) USE OF LOAN ORIGINATORS AND PORTFOLIO LENDERS.—Section 1338(d) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended—
(1) by striking paragraph (4) and inserting "(4) to the extent amounts are available to the Secretary of the Treasury for the Hope for Homeowners Program under section 118 of the Emergency Economic Stabilization Act of 2008, the Secretary shall use such amounts to cover any increase in the net unsecured losses of the Federal Home Loan Banks and Federal Savings and Loan Insurance Corporations authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and
(2) by striking paragraph (5) and inserting "(5) the net unsecured losses of the Federal Home Loan Banks and Federal Savings and Loan Insurance Corporations authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and

(d) AVAILABILITY OF AFFORDABLE LOANS UNDER HOPE FOR HOMEOWNERS PROGRAM.—Section (d) of the Federal Housing Administration Act (12 U.S.C. 1701z–23), to be insured under the Federal Home Loan Banks and Federal Savings and Loan Insurance Corporations authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and

(e) TARGETING.—In carrying out the program under this section, the Secretary may take into consideration the impact of activities on geographical areas having the greatest number of properties with foreclosed-upon mortgages.

SECTION 702. EXTENSION OF RESTORATION PLAN PERIOD.
Section 1338(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(b)(2)) is amended—
(1) by striking "(ii) the last sentence in the previous paragraph" and inserting "(ii) the last sentence in the previous paragraph"; and
(2) by striking "(iii) the last sentence in the previous paragraph" and inserting "(iii) the last sentence in the previous paragraph".

SECTION 703. BORROWING AUTHORITY.
Section (a) of the Federal Deposit Insurance Act (12 U.S.C. 1823(a)) is amended—
(1) by striking "$30,000,000,000" and inserting "$60,000,000,000"; and
(2) by striking paragraph (4) and inserting "(4) in subsection (d) of section 1338(a) of the Federal Deposit Insurance Act (12 U.S.C. 1823(b)(4)), "$250,000" shall be substituted for "$100,000 wherever such term appears in such subsection".

SECTION 704. SYSTEMATIC RISK SPECIAL ASSESSMENTS.
Section (c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)), as amended by the Financial Services Regulatory Improvement Act of 2006 (Public Law 109–289), is amended—
(1) by deleting the last sentence and inserting "(4) for purposes of this subsection, the Corporation shall take into consideration the impact of activities on geographical areas having the greatest number of properties with foreclosed-upon mortgages.

Mr. DAVIS of Illinois. Mr. Chair, I rise in strong support of the TARP Reform and Accountability Act. This bill greatly strengthens the safeguards for using taxpayer dollars for the TARP program. Two provisions promise to provide critical aid to Chicago. Requiring the Treasury to direct $10 billion to foreclosure mitigation provides hope to the hundreds of thousands of Chicagoleans and families across the Nation who are struggling with foreclosure. Moreover, directing the Treasury to use TARP funds to benefit small financial institutions will help strengthen these financial institutions that play such an important role in Chicago. Hundreds of community banks in Chicago are teetering on collapse. These companies provide important support to small businesses and minorities, and, as of yet, they have not received aid from the Treasury.

I especially want to thank Chairman Frank for including language that highlights the importance of considering consumer protections when determining which classes of consumer loans to support. Congresswoman Yvette Clarke and I have worked actively along with 16 other Members to urge the Treasury and Federal Reserve to proceed cautiously when using taxpayer funds for the student loan industry, ensuring that both financial and consumer protections are considered. We strongly support ensuring that students have the money they need to attend institutions of higher education. However, we must make certain that such plans aid students and does not simply line the pockets of for-profit lenders.

Certain groups of students require private student loans to attend school. Unlike Federal student loans, private student loans typically lack any form of consumer protection (such as fixed interest rates, income-contingent and in- come-based repayment options, or debt discharge in the case of disability or death). Moreover, private student loan lenders enjoy Federal protections from bankruptcy that other consumer creditors do not. Specifically, unlike other types of consumer debt, private student loans are protected from discharge during bankruptcy except under extreme circumstances. Thus, an individual who accumulates thousands of dollars in debt for purchases of cars or luxury goods can obtain relief via bankruptcy; however, a teacher with private student loans cannot.

Given these circumstances, we hope the Treasury and Federal Reserve will construct its student loan plan carefully to mitigate against adverse consequences for private student loan borrowers, especially in light of current economic conditions. Should taxpayer money be used to support private student loans, we urge that the Treasury and Federal Reserve require consumer protections similar to those afforded to Federal student loans as a condition of receipt of Federal rescue funds. Federal student loans have consumer protections; private student loans subsidized by the Treasury-Federal Reserve program do not. Further, we recommend instituting steps to assess the underscoring standards of lenders who seek Federal relief to determine if the
lenders extended credit to particularly vulnerable consumers and whether credit was extended with onerous terms or conditions. Similar to the executive compensation restrictions of the Treasury-Fed plan, these restrictions would help focus Federal dollars on stimulating lending while protecting taxpayers and borrowers.

I thank Chairman FRANK and House leadership for developing this bill, and I urge my colleagues to support its passage.

Mr. Chair, last fall, at the urging of President Bush, Treasury Secretary Paulson, and Federal Reserve Chairman Bernanke, Congress took extraordinary action to stabilize America’s financial markets and limit the scope of an economic crisis. I know that the Troubled Assets Relief Program (TARP) was one of the most difficult votes that anyone in this Chamber had ever taken. But passing that bill was the right thing to do—and even with all of the turmoil of the past months, my mind hasn’t changed.

On that vote, I don’t think anyone in this Chamber is happy with TARP, either. As it has done so many times in the last 8 years, the Bush administration failed to follow congressional intent when it came to executing a law. The administration has failed to fight the wave of the source of this crisis, and it did too little to maximize the effectiveness of TARP funds in helping to restore our economy’s flow of credit. Nor did the administration adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes.

We cannot in good conscience approve another $350 billion request without confidence that those failures will be remedied.

This bill strengthens accountability and oversight that we can get new mortgages flowing again to families and businesses. It requires detailed reports from recipients of TARP funds and ensures that those funds un-thaw credit. It provides even stronger limits on executive compensation, so that taxpayers can be sure their money is not funding million-dollar Park Avenue apartments for CEOs. It clarifies the Treasury Department’s authority to use TARP funds to benefit small businesses and municipalities.

It insists that Congress immediately commit $100 billion to fight foreclosures and help Americans keep their homes.

President-elect Obama has promised that “we’re going to fundamentally change some of the practices in using this next phase of the program.” I agree wholeheartedly, and this bill is a strong first step toward that change. But I also want to make clear that the same high standards of oversight ought to apply to any administration, Republican or Democratic.

TARP needs to be watched with the same diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs into twelve digits, and when the stakes are so high?

Mr. Chair, Johnson said—in words I’ve quoted before on this floor and I’m sure I’ll quote again—“it’s not hard to do the right thing. It’s hard to know what the right thing is.”

In this crisis, the problems are as complex as our end goal is simple: Businesses hiring, families thriving, America growing once again. But I am convinced that passing this bill is the right thing today. I hope and trust that my colleagues will see it the same way.

Ms. CORRINE BROWN of Florida. Mr. Chair, I want to thank Chairman FRANK for his leadership in developing this bill. I appreciate the time you and your staff have spent on the issues important to the American people. You were instrumental in getting an amendment regarding tax credits in the manager’s amendment.

I want to speak on the situation today. I voted for TARP when it was brought up last year. I am extremely disappointed as to how the banking industry used the taxpayer funds.

The way the administration used the first half of the TARP funds was not in the interest of the American people. It was in the interest of those who caused this crisis in the first place. The investment bankers, and elite financiers in New York were the first in line to claim some money and then left nothing for the people holding the bag, the homeowners and the small businesses like those from my district in Florida.

The administration moved from helping those who held mortgages that were in foreclosure to bailing out the large banks. These banks took that money out of their pockets. They paid their shareholders and continued to pay bonuses to their executives. The banks called in their loans and eliminated lines of credit. They bought other banks. They closed businesses and used every legal means to get as much money as they could. What the banking industry did was not our intent.

The Europeans used the government money to help stimulate the economy. Every pound or euro given to banks was required to be loaned out. As opposed to the U.S., the banks who called in loans and did away with lines of credit.

I would like to ask Chairman FRANK a couple of questions at this time:

“Chairman FRANK, I am very concerned the money we are authorizing for the TARP program will not make it to the American people and will not be used for what we are intending it to be used for. We need to get money to people for (1) to end the foreclosures, of which thousands a day are happening all over the country... (3) the car loans—people can’t get credit to buy a car and (3) school loans—the banks are calling in the notes, prohibiting our young people from getting an education.

The American people need this money. What protections have you included in the bill to ensure this happens?”

Second, I have a question regarding the re-appraisal of real estate collateral that is affecting the home builders in our country. I have an amendment in front of the rules committee which would permit lenders to extend or modify certain consumer loans—people can’t get credit to buy a car and (3) school loans—the banks are calling in the notes, prohibiting our young people from getting an education.

I understand this issue is not covered by this bill. What assurances do I have that you will consider this issue in the future in your committee?

Mr. Chair, thank you very much for your explanations. In my district, along with most of the country, people cannot get the loans to consume, which is the basis for our economy. I am pleased you included these provisions in the bill to help small businesses all over our country.

Thank you for your hard work on this bill, to bring relief to those who are suffering from foreclosures and for your firm leadership on this issue for the many years you have served the people of Massachusetts and America.

It is important the TARP funds be spent by the Administration be used for the benefit of the American people. From what I have seen, it does not.

Mr. DINGELL. Mr. Chair, I rise in support of the manager’s amendment to H.R. 384, the “TARP Reform and Accountability Act of 2009.” Let me begin by thanking the distinguished chairman of the Committee on Financial Services for his fine work on H.R. 384, as well as for his cooperation in the past in my efforts to ensure that TARP funds were made available to the domestic automotive industry, as well as to domestic automotive financing companies. I look forward to working with him in the future to see that TARP funds are properly allocated and their use and effectiveness be subject to impartial oversight by the Congress.

As debate on the use of TARP funds has progressed, I have consistently maintained that recipients of those funds all be subject to unimpeachable provision that ensures that the manager’s amendment to H.R. 384 includes additional public reporting requirements for entities that have received or will receive TARP funds in the future.

The question of oversight aside, I have also long maintained that the root of the Nation’s current economic crisis lies in the collapse of the housing market. Too little has been done in the past year to stabilize the market and help financially distressed homeowners. The manager’s amendment wisely addresses this problem by requiring that a specific portion of the next tranche of TARP funds be dedicated to mitigate foreclosures on residential mortgages within 7 days of enactment of H.R. 384. This is of particular importance and will hopefully be of great assistance to my State, Michigan, which unfortunately has one of the Nation’s highest foreclosure rates.

While stabilizing the housing market is a large part of the solution to the current recession, I must reiterate my belief that the Congress should take action to support the domestic manufacturing base, in particular, our ailing automakers. I would note that foreign markets for automobiles are contracting, and other governments are contending or have already taken measures to help automakers with production facilities in their countries. A key part of the automotive industry’s troubles in the United States is the lack of credit available to consumers. The manager’s amendment retains H.R. 384’s grant of authority to the Treasury to provide support to the financing arms of automakers, which will in turn allow consumers and businesses to obtain new lines of credit for the purchase of new vehicles. I voice my wholehearted support for this sensible provision, especially as the collective future of our automakers is tied directly to the health of their financing arms.

I would again thank the chairman for his gracious cooperation in the past on this and many other issues. The manager’s amendment contains prudent measures to improve oversight and administration of the Troubled Asset Relief Program, and I would urge my colleagues to support its passage.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111-3. Each
amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–3.

Mr. FRANK of Massachusetts. I rise to offer that amendment, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Frank of Massachusetts

Page 1, line 16, after the period insert the following: “Such reporting may be required directly for nondepository institutions or through the appropriate Federal banking agency, as provided in section 103.”

Page 4, line 15, strike “As” and insert “Except as provided in section 108, as.”

Page 4, line 18, before the second comma insert the following: “date of the enactment of the TARP Reform and Accountability Act of 2009.”

Page 5, line 1, strike “funding” and insert “assistance.”

Page 5, line 10, strike “funds” and insert “assistance.”

Page 5, line 23, strike “funds” and insert “assistance.”

Page 7, after line 11, insert the following:

(4) RENTER PROTECTION.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit to offer that amendment, Mr. Chair—

(a) under any bona fide lease entered into
ties.

(b) COMPARABLE TERMS.—An institution

(3) A MOUNT.—For assistance provided

(4) RENTER PROTECTION.—In the case of any

Page 8, line 6, strike “means” and insert “mean”.

Page 8, strike lines 19 through 21 and insert the following:

“(2) STANDARDS REQUIRED.—Notwith-

standing any.”

Page 8, line 25, strike “assisted institu-

tion” and insert “institution that became an

assisted institution which received assistance under this title” and “such institution”.

Page 10, strike lines 5 through 16.

Page 10, line 17, strike “(4)” and insert “(5).”

Page 10, line 23, strike “on or after” and insert “before.”

Page 12, line 24, before the first period, 
insert “,” and shall require such reports to be

provided to the appropriate State bank super-

visor (as defined in section 3 of the Fed-

eral Deposit Insurance Act).”

Page 13, line 4 and 5, strike “striking para-

graph (1) and inserting” and inserting “add-

ing at the end.”

Page 16 on page 13 and all that follows through page 16, line 18, and insert the fol-

lowing:

“(4) AMOUNT.—For assistance provided

after the date of the enactment of the TARP

Reform and Accountability Act of 2009, and

except as provided in title III of such Act, the

Secretary under the Emergency Economic

Stabilization Act of 2008 shall provide to

the applicant.

Page 17, strike lines 9 through 12 and insert the following:

(b) APPLICABILITY.—This section shall

apply to all contracts of the Secretary to the

TARP Reform and Accountability Act of 2009,

(3) A MOUNT.—For assistance provided

after the date of the enactment of the TARP

Reform and Accountability Act of 2009, and

except as provided in title III of such Act, the

Secretary under the Emergency Economic

Stabilization Act of 2008 shall provide to

the applicant.

Page 17, line 13, strike “have submitted ap-

plications” and inserting “has submitted an

application.”

Page 17, line 18, strike “are” and insert “is”.

Page 17, line 25, strike the comma and in-

sert a period.

Page 18, strike lines 1 through 3.

Page 19, after line 12, insert the following:

SEC. 107. INCLUSION OF WOMEN AND MINORI-
TIES.

(a) OFFICE OF MINORITY AND WOMEN INCLU-
SION.—The Secretary of the Treasury shall estab-
lish an Office of Minority and Women Inclusion, or designate an office of the enti-
ty, that shall be responsible for carrying out this section and ensuring compliance by the Secretary and each assisted institution (as such term is defined in section 3 of the Emer-
gency Economic Stabilization Act of 2008) with the requirements of this section. The

Office shall be responsible for all matters of the entity relating to diversity in manage-
ment, employment, and business activities in accordance with such standards and re-
quirements as the Secretary shall establish regarding the use of assistance provided

under title I of such Act.

(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITY.—Each assisted
institution shall develop and implement standards and procedures to ensure, to the

maximum extent possible, the inclusion and utilization of minorities (as such term is de-

fined in section 1204(c) of the Financial Institu-
tions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1813(h)) and women,

and minority- and women-owned businesses (as such terms are defined in section 21A(c)(4) of the Federal Home Loan Bank Act of 1932 (12 U.S.C. 1441(a)(4))) and their successors in interest in such property pursuant to such contracts for the issuance or guarantee of any debt, equity, or mortgage-related se-

curities, the management of its mortgage

and securities portfolios, the making of its equity investments, the purchase, sale and

servicing of single- and multi-family mort-
gage loans, and the implementation of its

affordable housing program and initiatives.

The processes established by the Secretary and each assisted institution for review and evaluation for contracts to hire service providers shall include a component that gives consideration to the diversity of the applicant.

(c) APPLICABILITY.—This section shall

apply to all contracts of the Secretary to the

Treasnary and assisted institutions for

services of any kind, including services that require the services of investment banking,

asset management entities, broker-dealers, financial services entities, underwriters, accoun-
tants, investment consultants, and pro-

viders of legal services.

(d) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Congress detailed information regarding the actions taken by the Office and assisted insti-

tutions pursuant to this section, which

shall include a statement of the total amounts provided by the Secretary and as-

sisted institutions under title I of the Emer-
gency Economic Stabilization Act of 2008 to third party contractors since the last re-

port and the percentage of such amounts paid to businesses described in subsection (b)

of this section.

SEC. 108. ANALYSIS OF USE OF ASSISTANCE.

(a) REQUIREMENT.—The Secretary of the Treasury shall regularly analyze timely and detailed information concerning the use of assistance provided under title I of the Emergency Economic Stabilization Act of 2008 by assisted institutions to ensure that the program established under title I of such Act is meeting the goals of the program.

(b) AGENCY COLLECTION.—The Secretary of the Treasury shall require the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other Federal agency the Secretary chooses to report detailed information to the Sec-

tary on the use of assistance provided by the Secretary under the Emergency Eco-

nomic Stabilization Act of 2008 to assisted institutions under title I of such Act, the Secretary shall report to the

Office shall be responsible for all matters of the entity relating to diversity in manage-
ment, employment, and business activities in accordance with such standards and re-
quirements as the Secretary shall establish regarding the use of assistance provided

under title I of such Act.

(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITY.—Each assisted
institution shall develop and implement standards and procedures to ensure, to the

maximum extent possible, the inclusion and utilization of minorities (as such term is de-

fined in section 1204(c) of the Financial Institu-
tions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1813(h)) and women,

and minority- and women-owned businesses (as such terms are defined in section 21A(c)(4) of the Federal Home Loan Bank Act of 1932 (12 U.S.C. 1441(a)(4))) and their successors in interest in such property pursuant to such contracts for the issuance or guarantee of any debt, equity, or mortgage-related se-

curities, the management of its mortgage

and securities portfolios, the making of its equity investments, the purchase, sale and

servicing of single- and multi-family mort-
gage loans, and the implementation of its

affordable housing program and initiatives.

The processes established by the Secretary and each assisted institution for review and evaluation for contracts to hire service providers shall include a component that gives consideration to the diversity of the applicant.

(c) APPLICABILITY.—This section shall

apply to all contracts of the Secretary to the

Treasnary and assisted institutions for

services of any kind, including services that require the services of investment banking,

asset management entities, broker-dealers, financial services entities, underwriters, accoun-
tants, investment consultants, and pro-

viders of legal services.

(d) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Congress detailed information regarding the actions taken by the Office and assisted insti-

tions pursuant to this section, which

shall include a statement of the total amounts provided by the Secretary and as-

sisted institutions under title I of the Emer-
gency Economic Stabilization Act of 2008 to third party contractors since the last re-

port and the percentage of such amounts paid to businesses described in subsection (b)

of this section.

SEC. 108. ANALYSIS OF USE OF ASSISTANCE.

(a) REQUIREMENT.—The Secretary of the Treasury shall regularly analyze timely and detailed information concerning the use of assistance provided under title I of the Emergency Economic Stabilization Act of 2008 by assisted institutions to ensure that the program established under title I of such Act is meeting the goals of the program.

(b) AGENCY COLLECTION.—The Secretary of the Treasury shall require the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other Federal agency the Secretary chooses to report detailed information to the Sec-

tary on the use of assistance provided by the Secretary under the Emergency Eco-
nomic Stabilization Act of 2008 to assisted institutions under title I of such Act, the Secretary shall report to the

Office shall be responsible for all matters of the entity relating to diversity in manage-
ment, employment, and business activities in accordance with such standards and re-
quirements as the Secretary shall establish regarding the use of assistance provided

under title I of such Act.

(d) ADJUSTMENTS AND RECOMMENDATIONS.—If the Secretary of the Treasury determines that—

(1) the goals of the program established under title I of the Emergency Economic Stabilization Act of 2008 are not being met, the Secretary shall work with the Federal agencies supplying the information under subsection (b) to encourage such agencies to provide the recipients of assistance under such title with recommendations for better meeting the goals of the program; and

(2) the goals of the program are not being met from other causes, the Secretary may make adjustments made in accordance with paragraph (1), the Secretary shall adjust the future uses of assistance provided under such title.

SEC. 109. DATABASE OF USE OF TARP FUNDS.

The Secretary of the Treasury shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains the name of each entity receiving funds made available under section 113(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(a)) and the purpose for which such entity is receiving such funds.

Page 19, line 13, strike “107” and insert “110”.

Page 19, line 16, strike “subsection” and insert “subsections”.

Page 19, line 20, strike the quotation marks and the last period.

Page 19, line after line 20, insert the following:

“(g) QUALIFIED PROPERTY.—

“(1) QUALIFIED PROPERTY.—The term ‘qualified property’ means property subject to a lease entered into prior to November 1, 2007, in which a State or local government authority (as defined in section 5392(a) of title 49, United States Code) is the lessor.

“(2) GUARANTOR.—The term ‘guarantor’ includes any guarantor, surety, and payment undertaking.

Page 20, before line 1 insert the following new section:

SEC. 111. INVESTMENT OF TARP FUNDS IN CREDIT UNIONS TAKEN INTO ACCOUNT IN DETERMINATION OF NET WORTH.

(a) In General.—Section 216(e)(2) of the Federal Credit Union Act (12 U.S.C. 1790c(d)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) With respect to any insured credit union, means—

“(i) the retained earnings balance of the credit union, determined under generally accepted accounting principles, together with any amounts that were previously the retained earnings of any other credit union with which the credit union has combined; and

“(ii) any donated equity, permanent, and perpetual capital deposits, or other primary capital of the credit union under title I of the Emergency Economic Stabilization Act of 2008, as determined by regulation or order of the Board with due regard for the accepted capital standards for United States depository institutions generally; and

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 112. TREASURY FACILITATED AUCTION.

Section 113(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) USE OF MARKET MECHANISMS.—

“(1) IN GENERAL.—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the use of the public and private mortgage resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

“(2) AUCTION FACILITATION.—

“(A) IN GENERAL.—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to third party purchasers.

“(B) REPORT.—If the auction described in subparagraph (A) takes place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”.

Page 20, after line 4, insert the following:

“(a) COMMITMENT OF RESOURCES.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, not later than seven days after the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary of the Treasury (in this title referred to as the ‘Secretary’) shall designate not less than $20,000,000,000 for the systematic foreclosure prevention and mortgage modification program described under section 204 of this Act.

Page 21, line 23, strike “(4)” and insert “(3)”.

Page 23, line 13, strike “(6)” and insert “(4)”.

Page 23, line 19, after “servicers” insert “that are not affiliated with a depository institution.”.

Page 23, line 19, after “Corporation” insert “regional public-private partnerships.”.

Page 23, after line 12, insert the following:

“(5) SUBSTITUTION OF TRUST.—A program under which modifications are allowed to the securitization trust agreements with respect to securities secured by pools of mortgages to allow a new qualified buyer to be substituted on a foreclosed property or a delinquent mortgage without seeking new financing.

Page 24, line 18, after “with” insert “the Chairperson of the Federal Deposit Insurance Corporation and”.

Page 27, line 19, strike “201(a)” and insert “201(b)”.

Page 28, line 3, strike “118” and insert “119”.

Page 28, line 12, strike “204” and insert “205”.

Page 29, line 1, strike “201(a)” and insert “201(b)”.

Page 29, line 20, strike “205” and insert “206”.

Page 30, line 21 and all that follows through page 32, all that follows through page 32.

Page 32, line 3, strike “(c)” and insert “(b)”.

Page 32, line 10, strike “(d)” and insert “(c)”.

Page 32, after line 19, insert the following:

SEC. 207. FORECLOSURE PREVENTION FOR AFFORDABLE HOUSING.

Section 109 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended to read as follows:

SEC. 109. FORECLOSURE MITIGATION EFFORTS.

(a) RESIDENTIAL MORTGAGE Servicing Programs To—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and renters and use the authority of the Secretary to encourage the servicer of the underlying mortgage to consider net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act of 2008 to modify the underlying mortgage, and to implement such programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and
credit enhancements to facilitate loan modifications to prevent avoidable foreclosures on single-family and multifamily housing.

(b) **COORDINATION:** The Secretary shall coordinate with the Office of Thrift Supervision (with respect to any mortgage or mortgage-backed securities or pool of securities held, owned by or on behalf of a Federal reserve bank, as provided in section 110(a)(1)(C), the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, and other Federal Government entities that hold troubled assets to attempt to identify opportunities for the acquisition of classes of troubled assets that will improve the ability of the Secretary to improve the loan modification and restructuring process and, where permissible, to permit bona fide tenants who are current on their rent to remain in their homes under the terms of the lease. In the case of a mortgage on a residential rental property, including a qualified low-income building under section 42 of the Internal Revenue Code of 1986, the plan required under this section shall include protecting Federal, State, and local rental subsidies and protections, and ensuring any modification takes into account the need for operating funds to maintain decent and safe conditions at the property.

(c) **CONSENT TO REASONABLE LOAN MODIFICATIONS:** Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate, to reasonable requests by homeowners, including the following:

(1) The total number of mortgage modifications undertaken under existing investment contracts, the Secretary may consider the applicable regulatory structure and level of consumer protection afforded to such loans.

Page 32, line 20, strike “206” and insert “208”.

Page 33, after line 6, insert the following (and conform the Table of Contents accordingly):

**SEC. 399. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.**

(a) **REPORTING REQUIREMENTS:**—Not later than 120 days after the date of the enactment of this Act, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall report to the Congress and the appropriate committees thereof a report to support any request the Comptroller of the Currency, under the mortgage metrics program of the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) The total number of mortgage modifications undertaken under various loan modifications as of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

Page 69, line 7, strike “carry out” and insert “establish and implement, within 60 days of the date of the enactment of the TARP Reform and Accountability Act of 2009.”.

Page 69, lines 8 and 9, strike “using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008”.

Page 69, lines 11 and 12, strike “which shall include ensuring” and insert “by providing mechanisms to ensure”.

Page 69, line 12, after “affordable” insert “below-market”.

Page 69, line 15 on page 69 and all that follows through page 70, line 13, and insert the following:

(b) **IMPLEMENTATION:**—The Secretary shall execute the program under this section using the authority to purchase obligations and other securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks made available by the Housing and Economic Recovery Act of 2008 and such other authority as the Secretary may have (other than that provided by title I of the Emergency Economic Stabilization Act of 2008) to make affordable, below-market interest rates available directly through portfolio lenders.

Page 70, line 14, strike “(d)” and insert “(c)”.

Page 70, line 17, after “affordable” insert “below-market”.

Page 24 on page 70 and all that follows through page 71, line 3, and insert the following:

**TARGETING FOR HOUSING DISASTER AREAS.**

(1) **IN GENERAL.**—In carrying out the program under this section, the Secretary shall take into consideration the impact of activities under the program on housing disaster areas.

(2) **REPORT.**—Not later than 60 days after the Secretary first has authority to purchase troubled assets pursuant to section 111a(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)), the Secretary shall—

(a) evaluate the impact of existing Federal foreclosure prevention activities on housing disaster areas;

(b) make a determination of whether the foreclosure rates and expected default rates in such areas have been adequately reduced; and

(c) insert "establish and implement, within 60 days of the date of the enactment of the TARP Reform and Accountability Act of 2009.”.

Page 68, line 7, strike "carry out" and insert "establish and implement, within 60 days of the date of the enactment of the TARP Reform and Accountability Act of 2009.”.

Page 69, lines 8 and 9, strike “using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008”.

Page 69, lines 11 and 12, strike “which shall include ensuring” and insert “by providing mechanisms to ensure”.

Page 69, line 12, after “affordable” insert “below-market”.

Page 69, line 15 on page 69 and all that follows through page 70, line 13, and insert the following:

(b) **IMPLEMENTATION:**—The Secretary shall execute the program under this section using the authority to purchase obligations and other securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks made available by the Housing and Economic Recovery Act of 2008 and such other authority as the Secretary may have (other than that provided by title I of the Emergency Economic Stabilization Act of 2008) to make affordable, below-market interest rates available directly through portfolio lenders.

Page 70, line 14, strike “(d)” and insert “(c)”.

Page 70, line 17, after “affordable” insert “below-market”.

Page 24 on page 70 and all that follows through page 71, line 3, and insert the following:
(C) submit a report to the Congress that describes the impact of such activities and the determination of the Secretary under subparagraph (B).

(3) ALTERNATIVE PROPOSALS.—If the Secretary determines that the foreclosure rates and anticipated default rates in housing disaster areas have not been adequately reduced by section 901(1), the Secretary shall—

(A) consider carrying out alternative proposals, including a proposal under which the Federal Government makes available affordable mortgage instruments including refinancings, through subsidized financing or mortgage purchases; and

(B) establish and carry out alternative programs by Secretary to ensure that foreclosure prevention efforts are most effective in the areas of greatest need, including housing disaster areas.

(4) HOUSING DISASTER AREAS.—For purposes of this section, the term ‘‘housing disaster area’’ means a geographic area having both—

(A) a high foreclosure rate during the 12 months preceding the date of the enactment of this Act, as measured by percentages of homes in or having gone through foreclosure during such period and compared to other areas;

(B) a substantial decline in home prices during the 12 months preceding the date of the enactment of this Act, as measured by the Office of Federal Housing Enterprise and Oversight and compared to other areas.

Page 72, line 20, strike ‘‘1814(a)’’ and insert ‘‘1824(a)’’.

At the end of the bill, add the following new title:

TITLE VIII—REPORTS ON THE GUARANTEE OF CERTAIN CITIGROUP ASSETS

SEC. 902. REPORTS REQUIRED.

(a) TREASURY REPORTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, in coordination with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, shall issue a report to the Committee on Financial Services of the House of Representatives, the Committee on Banking of the Senate, and to the Comptroller General of the United States containing the following:

(1) The authority under which the Citigroup guarantee and purchases were made.

(2) A complete accounting of the specific loans and any other financial instruments in the asset pool covered by the Citigroup guarantee.

(b) GAO REPORT.—Not later than 60 days after the date the Secretary of the Treasury issues the report required by subsection (a), the Comptroller General of the United States shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking of the Senate examining the probable long-term cost to the Federal Government of the Citigroup guarantee.

(c) CITIGROUP GUARANTEE DEFINED.—For the purpose of this section, the term ‘‘Citigroup guarantee’’ means the agreement announced November 23, 2008, between Citigroup and the Treasury and the Federal Deposit Insurance Corporation to guarantee or purchase any other financial instruments authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5301 et seq.), an asset pool of approximately $306 billion that is comprised of approximately $296 billion of assets backed by bank domestic and commercial real estate and other such assets on Citigroup’s balance sheet.

TITLE IX—GAO STUDY OF FINANCIAL INSTITUTIONS

SEC. 901. STUDY REQUIRED.

The Comptroller General of the United States shall—

(1) conduct an in-depth study of the root causes of the financial crisis; and

(2) submit a report to the Congress and the President, and transmit a copy to the Secretary of the Treasury, containing the findings and conclusions of the Comptroller General with respect to the study under paragraph (1), together with such recommendations as the Comptroller General may determine to be appropriate before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 902. TREASURY STRATEGY AND TIMELINE.

Using the findings and conclusions of the Comptroller General in the report under section 901, the Secretary of the Treasury shall issue an overall strategy and timeline for implementing the recommendations contained in the report with the goal of financial stability and the well-being of taxpayers.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we determined that because the President was going to be triggering this request we should act on this bill, we sent out a notice to all Members with amendments. We received a large number of amendments and we agreed that many of them made a great deal of sense. Some of them we think clarify what was already the intention of the bill. This amendment includes a variety of those. There will be Members here on the floor who want to talk about it.

For example, you heard the gentleman from Kansas (Mr. MORAN) talk about the removal of the provision that would have restricted the use of private aircraft. That is one of the things that is in here. There are other things that are important to various Members who will be addressing them. They aim at enforcing better the accountability and essentially increasing some of the restrictions on the recipient institutions. I will be discussing these and other matters with some other Members.

At this point, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 20 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just before this meeting out here on the floor, I was in my office back in Cannon meeting with and on the phone with constituents back at home discussing the fact of the difficulty we find ourselves in and the economy in this country right now, specifically with regard to homeowners, the problems that they are having with paying their mortgages and the like, the difficulty overall with the economy, with the rising unemployment rates, the problems in the credit markets and the like.

The question they ask, of course, is what is Congress actually doing to fix this situation. The conversation always turns around to what has Congress done in the first place, and, of course, we know what that is.

Several months ago, I guess it was in September, this Congress was told by the administration and agreed to by the other side of the aisle that unless Congress acted expeditiously, the sky was going to fall in, and that what Congress had to do was authorize and appropriate $700 billion to bail out the situation.

Well, we have since that time spent $350 billion of that sum, and the callers that I heard from from home that I was just referring to before are saying, what did it achieve? What did we accomplish? Unemployment is still high, the housing market is still tight, home prices are still falling, and all that we really did was to bail out Wall Street, is the way some people couch it.

The question then comes up, how did we go through that process. I have to tell the people back home, not in a very transparent and open manner. Quite honestly, it was in a rushed matter. We rushed through a piece of legislation that started out at three pages and then turns our 100, without a single hearing, without a single markup, without a single discussion in committee as to whether there would be transparency and accountability and the like.

But I do raise the same question that the people asked me on the phone today that I was talking to: Why are we rushing to judgment on it? Why are we going through it in the same manner, the same failed policy reasons, the same procedural manner that we did before, without a hearing, without a discussion, without a markup, without a single hearing, without a single markup, without a single discussion in committee, so that both sides of the aisle could come together with their good ideas in order to achieve what the American public wants, to right the economy, to not put the taxpayer on a hook, and to do it that the taxpayer is protected. Why are we doing it in the same failed policy procedure we did in the past without that ability for input?

Now, the chairman will say, well, we have ability because the Rules Committee allowed a number of amendments. We will be debating those amendments shortly, 10 or 11 amendments I believe we will have at that point in time.
The chairman will agree that is not the best way to achieve what we are trying to do for the American people. The best way is to have an open, honest discussion in committee, allow the experts to come in and testify, allow Members from both sides of the aisle to have input and allow it to go through the committee to get that desired result.

That was not done with TARP 1, that really is not being done with TARP 2. So I rise in opposition to this failed policy, to say that we are doing here today as well.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to correct the gentleman from New Jersey.

The gentleman from New Jersey said that President Obama was requesting these funds. In fact, President Bush requested the funds. He did it after President-elect Obama asked him to, but I think it ought to be clear on the record, this is a continuation of the Bush policy and it was President Bush who in fact requested the funds. President Obama could not request them, who in fact requested the funds. President Bush policy and it was President Bush that he is already distancing himself from.

I now yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Thank you, Mr. Chairman. I rise to engage the chairman in a colloquy.

Mr. Chairman, I am extremely concerned at the current state of affairs with credit card regulations as my constituents see these extraordinary interest rates affecting their credit cards. I am appalled that companies continue to engage in predatory practices, like double-cycle billing and inadequate notification periods and retroactive rate hikes for these credit cards.

I am seeing these predatory practices continue, in spite of the fact that the Federal Reserve has recently finalized a rule that will ban many of these predatory practices. Unfortunately, these reforms are not scheduled to go into place until July 2010, and then they will save our consumers over $10 billion a year.

I think it would be outrageous to see us bail out these banks, and yet see them also continue to gouge these consumers of ours, these taxpayers at the other end of the ledger on these predatory practices. I would like to work with the chairman to see that we address this issue in forthcoming legislation.

Mr. FRANK of Massachusetts. If the gentleman will yield, as he knows, because I was his strong supporter, the Committee on Financial Services, once we became the majority, in fact put through this House a bill that was even tougher in some ways than what the Federal Reserve did, and I think was the spur to the Federal Reserve acting. Unfortunately, it wasn’t acted on in the Senate, but I thought it was good that we passed it. I know there are Members who say if we can’t know the Senate is going to do something, we should do it anyway. We have rejected that. We did pass that bill.

The gentleman from New York (Mrs. MALONEY) has been a leader here. She will be bringing that bill up again, and we want to apply those principles not just to TARP 1, but to all credit card companies. We expect to do it quickly. The gentleman is absolutely right. We should not wait until 2010. I hope that we will have this bill on the floor by March, and we will be able, and the gentleman’s input has been very helpful to us, to pass this bill that will become law very soon.

Mr. KENNEDY. I want to salute the gentleman for the transparency and accountability standards that he has in his manager’s amendment, and I encourage additional funds to go to the foreclosure problem that he has identified in his manager’s amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

It is interesting to find out that our chairman, who oftentimes berates our side of the aisle for distancing ourselves from our President, now I find that he is already distancing himself from the President-to-be, President-elect Obama.

While he is correct while being overly technical about it by saying that it was President Bush who actually filed the paperwork and made the submission to this House and to the Congress in order for the request of the additional TARP funds, he seems to be distancing himself from his party’s candidate and his party’s and all this Nation’s President-elect Obama, for it was he that instructed the Treasury not to go to President Bush and did request that this Congress facilitate the passage of the additional $350 billion.

Now, the chairman may not like the fact that President-elect Obama is requesting it. Maybe, quite candidly, the chairman has the same concerns that I do, that President-elect Obama failed to give us a plan, which makes it hard for either one of us, quite candidly, to be able to discuss either in committee or here on the floor in a rational and logical manner. What we are presently we will be spending the $350 billion on.

So I will join with the chairman in being concerned and outraged that President-elect Obama has not given us a plan. But it is concerning that the chairman points to President Bush, when he knows it is President-elect Obama who instigated this in the first place.

But I will yield.

Mr. FRANK of Massachusetts. The gentleman has transformed my correcting his error into distancing myself from President Obama. I said when I got up that it was done by President Bush at the request of President Obama.

Mr. GARRETT of New Jersey. I reclaim my time. Thank you. I understand what he said before, but then you have to always point to the words that come after that, and he was alluding to the fact that it actually came to the floor from President Bush when, yes, it was President-elect Obama who initiated it.

But for the fact that President-elect Obama initiated it, President Bush, as far as I know, has never made a statement that he would have unilaterally made that request. I have never seen anything in the media, and I may be wrong, but I have never seen anything in the media or otherwise saying that President Bush was about to come to this Congress and ask for those additional funds.

It was President-elect Obama for good or for ill, and I think for the fact that we don’t have a plan here, quite candidly, Mr. Chairman, to discuss and debate today, more for the bad than the good that we are coming here without such a plan.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I will yield myself 1 minute.

The gentleman from New Jersey has built that castle in the air because I corrected his flat error. Now, he said President-elect Obama asked for it. He did not. I said that President Bush asked for it at the request of President-elect Obama. How my correcting his error became distancing myself from the new President is beyond me.

In fact, President Bush’s administration did want the second $350 billion. The gentleman is wrong in saying they didn’t. Secretary Paulson was deterred from doing that, however, because we told him that we were sufficiently disappointed in the way it had been administered and that if he asked for it, we would probably reject it, and that only if he came to some agreement with the new President and the Congress could that go forward. So those are the facts.

Yes, the outgoing administration wanted it. They withheld because they were told they wouldn’t get it unless they had cooperation, and then the two administrations jointly did that. There is no distancing when I make that point.

In fact, the central point here about the TARP is this: We believe quite to the contrary that we are distancing ourselves from Mr. Obama. We believe that because Bush used this badly is no reason to give Obama not a chance to use it well.

I now yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Chairman, I thank the chairman.

Mr. Chairman, I rise today in support of Chairman FRANK’s manager’s amendment and the underlying legislation. I want to thank Chairman FRANK and his excellent staff for working with me to address a concern I had with the original draft bill.
On Tuesday, I talked to our Kansas Governor, Kathleen Sebelius. We were concerned about a provision in the bill that would have required financial firms participating in TARP to divest their companies of corporate business aircraft.

While it is clear that the auto executives were very insensitive to the American taxpayers when they flew in their private jets last November to request billions of dollars in Federal assistance, a blanket prohibition against the use of business aircraft would have had the unintended consequence of hurting the general aviation industry and its workers, which is important to Kansas.

With nearly 44,000 Kansans who work for aviation companies like Cessna, Beechcraft, Learjet and Boeing, as well as their contracting counterparts like Garmin and Honeywell, many Kansas families depend on this industry. And the impact would have been felt not just for the general aviation sector, but for all those businesses that would have had the unintended consequence of hurting the general aviation industry and its workers, which is important to Kansas.

I want to thank again Chairman Frank and his staff for responding to our questions on striking a consensus. This is good news for Kansans and aviation workers across this country. These are difficult times. I urge my colleagues to support the manager’s amendment and this bill to ensure that the funds are responsibly allocated with strong oversight protections for the American taxpayer.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), a leader on this issue and more importantly a leader on the issue of reviving our economy in general and in a free market manner which will not put the American taxpayer on the hook.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I again question why we are even here today. I observe again that those who have risen to be the largest critics of the TARP bill were not there originally. That is number one, why weren’t the standouts, the accountability, the provisions that are responsible for the Federal Reserve, if you want to know the answer to.

This vote, Mr. Chairman, I think is an attempt to attach after the fact, when, if this was a horse leaving the barn, I don’t think we’ve seen much left but his tail. But when I look at the strings that are being attached here, I mean, Number 1, we have explicit language here that most of us have concluded is picking winners and losers in our economy, express language dealing with the auto companies.

Now, I don’t want to see the auto companies and their workers in America. But name me an industry in America that isn’t struggling. Is Congress so wise that they can decide which industries are deserving the taxpayer bailout and which aren’t? It’s one thing for the Federal Government to try to monitor the money supply, ensure that the money supply is proper, that would hopefully lift all industries, help all families, help all job creators and those who have the jobs.

But it’s another to start saying, well, here’s the explicit plan for the auto industry. And if it’s the auto industry today, is it the airlines industry tomorrow? Who is it next week?

Again, how can everybody who’s struggling or anybody else who’s struggling? And what has become of all of this money?

Again, it’s not like this is the only $350 billion lying around. The Federal Reserve already has a number of credit facilities that are set up. We don’t even know the full impact of the first $350 billion.

And so now we have a plan that, as I understand it, Mr. Chairman, I’ve heard the chairman say that the Senate does not intend to vote on this, which is another reason I question the use of the House’s time on this matter. But trying to have a provision that picks winners and losers in our economy and, specifically, in our housing industry as well.

We know about the tragic circumstances in our housing industry. But what’s going to make it even more tragic, Mr. Chairman, is to take money away from people who are current on their mortgages, and maybe not even over which they own their homes outright, to give the money to people who aren’t current in their mortgage.

Number 1, maybe it’s through no fault of their own. Maybe they were duped by a predatory lender. Maybe they had a serious illness. Maybe they had a loss of job, I mean, these are serious setbacks, and I would hope that we could help these people.

But, Mr. Chairman, there’s a huge universe of people who engaged in predatory borrowing, out-and-out mortgage fraud. There’s a universe of people who diversified so much that they went into an ATM machine, and now they expect their neighbor to bail them out. There’s a whole group who didn’t really buy a home, they bought an investment and they decided to live in it, and now they expect their neighbor to bail them out.

When you’re struggling to pay your mortgage, Mr. Chairman, you shouldn’t be compelled to have to pay your neighbors’ as well.

These reasons, this amendment should be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 1 minute to say that I appreciate the intellectual honesty of the gentleman from Texas, Mr. HENSARLING. He opposes one of the major thrusts of this bill and one of the major criticisms many of us had of the Bush administration, namely, the foreclosure relief. And the gentleman opposed these efforts.

I would say that I am encouraged by the Bush appointee, Secretary of HUD, Mr. Preston, the Bush appointee as head of the FDIC, Ms. Bair, both of whom believe that we can do foreclosure protection with the tools in this bill, and that it can be done effectively. But I appreciate this is a genuine difference between us and I appreciate the gentleman articulating it.

In 2007, this House passed a bill to restrict subprime lending of an inappropriate sort aimed at both borrowers and lenders. It would have made it impossible for people to borrow inappropriately, as well as to lend. The gentleman, I believe, opposed that. Many others, the gentleman from New Jersey did. There were some important philosophical differences.

The Wall Street Journal, which today denounces us for trying to do foreclosure relief, denounced us at the time. They said when we passed the bill to restrict subprime lending, it was an undue interference in the market, and we’re going to keep people from owning homes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional 30 seconds.

So just to be clear, whether or not there should be Federal programs as advocated by FDIC Chair Bair, Secretary of HUD Preston and many others, whether or not there should be Federal programs to reduce foreclosure, is a very defining difference between most of us on this side and most on the other side; although there...
January 15, 2009

CONGRESSIONAL RECORD — HOUSE

H351

are many on the Republican side who do agree with us that we should try to abate foreclosures, not just as a matter of compassion, but as central to solving our economic problem.

I now yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the chairman very much. And I might just simply say that I remember the haggling previously in the last year about this bill. And one of the issues was the veto threat of the President in not allowing us to add language earlier. We fought for it.

Let me thank the chairman very much for what we’ve all fought for over the years, over the last couple of months, and that is the amount of, if you will, mortgage set aside money. I want to announce that over and over again, that there is now money included directly with my constituent who I sat down at her kitchen table. She gets $18,000 a year, but she’s hardworking and she had a home that she could afford, except for the adjustable rate. So I want to thank for that something that I want more. We all want more, but we’re starting out in that direction to be able to focus on mortgage workouts.

Mr. FRANK of Massachusetts. The gentleman from Texas (Ms. JACKSON-LEE) of Texas, I’d be happy to yield.

Ms. JACKSON-LEE of Texas. I yield the gentlewoman 30 seconds.

Ms. JACKSON-LEE of Texas. We talked about minority participation. You have now some language that says, not only can they benefit as small businesses from loans, but they can service or participate in that process of doing business.

Mr. FRANK of Massachusetts. If the gentlewoman would yield.

Ms. JACKSON-LEE of Texas. I’d be happy to yield.

Mr. FRANK of Massachusetts. Yes. In fact, it will make the administration better if those administering it have knowledge of and represent the whole range of people to whom this is aimed. And I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Well, let me thank you specifically for the Office of Minority and Women Inclusion. It is a great edition. And I would say this is a tough business. People are hurting. It’s time to move forward on a newly regulated TARP, the American people’s taxpayer dollars will be protected.

Mr. Chair, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act of 2009. This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation.

Mr. Chair, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the manager’s amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks; however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue “the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships with no more than 10 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections at other banks. However, they are very vital to the inner city. And I ask, in our work together, whether or not you can explain the language. Mr. Chair, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act of 2009.

In connection with any new receipt of TARP funds, Treasury is also required to report quarterly on the amount of any increased lending, or reduction in delinquency, or write-downs, or other increased activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an
agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is re-
quired to meet so as to advance the purposes of
the act to strengthen the soundness of the financial system and the availability of credit to the economic needs of a recipient institution.

Mr. BURTON. I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds, except those by small financial institutions, this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements, and
3. Prohibits all golden parachute payment for the duration of the investment.

The Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The plan must apply only to owner-occupied residences and shall be subject to any writedown by existing lenders Treasury may require; and

Mr. BURTON. I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds, except those by small financial institutions, this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements, and
3. Prohibits all golden parachute payment for the duration of the investment.

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act to maximize the net present value, NPV, of pooled mort-

gages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foresee-
able; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recov-
ery through foreclosure.

This bill requires persons who bring suit un-
success fully against servicers for engaging in loan modifications under the act to pay the servicer court costs and legal fees. It also re-
quires servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope, and results of the servicer’s modification activities.

In addition to the above requirements, an oversight panel is authorized to report to Con-
gress by July 1 on the actions taken by Treasu-
ry on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the tax-
payers.

H.R. 384 clarifies and confirms Treasury au-
 thorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the dom-
estic automobile industry, includes condi-
tions of the House auto bill, including long-
term restructuring requirements.

Treasury’s authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through deals that finance con-
sumer and business auto and other vehicle loans and dealer floor loans.

Treasury’s authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other ve-
hicle loans. Such support may include the pur-
chase of asset-backed securities, directly or through the Federal Reserve.

Treasury’s authority to provide support for commercial real estate loans and mortgage-
backed securities; and

Treasury’s authority to provide support to issuers of municipal securities, including through the direct purchase of municipal secu-
rities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal secu-
rities.

in addition, more reforms are enunciated for homeowners in title V. The home buyer stim-
ulus provisions require Treasury to develop a program, outside of the TARP, to stimulate de-
mand for home purchases and clear inventory of properties, including through ensuring the availability of competitive mortgage rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties.

The programs will be executed through the purchase of mortgages and MBS using fund-
ing under HERA. Treasury will provide mecha-
nisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or guarantors.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Home-
owner refinancing program.

This legislation will allow a permanent in-
crease in FDIC and NCUA deposit insurance limits, it makes permanent the increase in de-
posit insurance coverage for banks and credit unions to $250,000, which was enacted tem-
porarily as part of the Emergency Economic Stabilization Act and is set to expire on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In closing, I want to re-
member that while we need to assist our fi-
nancial institutions, we cannot do this without implementing reforms to protect Americans’ hard-earned money.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. GARRETT of New Jersey. I first yield my 30 seconds to respond to the chairman’s question. Yes, there is a specific philosophical difference with regard to keeping people in their homes. As we know, both sides of the aisle want to do the best that the Fed-
eral Government can do in this area. And the administration has already set up a program, the HOPE program, and other actions so that we facilitate those people who are in difficult situa-
tions to remain in their houses.

But I believe it was Ms. WATERS on your side of the aisle that raised the same point similar to what I raised. What do we say to the person who has been on time paying their bills, which is over 90 percent of the American public homeowners, who has been paying their bill month after month month after month on time and saying to them, you know what you’re going to use your tax dollars to subsidize the people across the street with a program to help them keep when they went over the amount they should be spending on their homes. And that is the philo-
sophical difference that we have.

I yield now 2 minutes to the gen-
tleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just start off by saying I’m opposed to all these bailouts.

But after having said, let me say that if we’re going to do it we really need a comprehensive plan that’s going to deal with the problems facing this country.

I had home builders come into my office last week, and they told me that their businesses are being re-appraised, and they’re going to have to pay the difference between what the appraisal was initially and what it is now, and they’re driving a lot of these home builders out of business.

I had some people who are commer-
cial developers come in to see me last
week, and they told me that their commercial assets are being re-appraised, maybe 70 percent of what they were before, and they have to pay the difference between what they were getting and the 70 percent, and they're being driven out of business. So there's a huge incentive to add all these problems that we're facing right now. And we're not addressing them in this bill or any of the other bills that I've seen.

You've got people who are losing their homes. You've got home builders that are going out of business. You've got commercial developers that are going out of business because of these re-appraisals, and there's nothing in the plans that I've seen that addresses these problems.

Mr. FRANK and I are good friends. But just throwing this money at these problems without any plan is actually crazy. And yet we did it with the first $350 billion tranche, and we're going to do it again, and then we're going to come back with a $1.2 trillion request in just another 2 or 3 weeks. I mean, we can't buy our way out of these problems. We have to have a sound business plan to deal with these problems. And if we don't do that, then we're going to see a huge economic problem that's even worse than what we face today.

So I'd like to say to Mr. FRANK and my colleagues, before we start giving all this money away, why don't we really sit down with the people that are supposed to be administering this money and come up with a sound plan that affects the entire economy. I mean, if you're going to spend the money, we might as well do it the right way.

Mr. FRANK of Massachusetts. Mr. Chairman, first I'll yield myself 30 seconds to answer the question. What do we tell the person making mortgage payments why we are trying to help reduce their mortgage? And the major reason is that it is the improvident granting of these loans and the failure of many of these loans to pay off that is the single biggest cause of the financial crisis we're in. And a wide range of economists agree that until we reduce the rate of foreclosures which are embodied in so many securities that were, without regulation, scattered around the economic landscape, we will not be able to undo the economic problem we're in. So foreclosure diminution is part of our economic recovery plan.

It also, of course, hurts property values in general.

I now yield 1 minute to one of my very active member of our committee, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I rise in support of the manager's amendment and the bill. We're in a position where $350 billion, without any conditions, is likely to be passed, or it's been requested and likely will go out the door.

These conditions are important, and the conditions that are added through the manager's amendment are particularly important. One of the things we talked about with the original TARP bill was that money would, 1, buy mortgage portfolios, 2, recapitalize banks and 3, pass through various agencies to small businesses through banks and Federal. I'm not loan banks and through the farm credit administration.

This manager's amendment assures that money passes directly to people on Main Street, including the home builders. Mr. Burton was just talking about, commercial realtors, commercial real estate, farmers, municipal bond dealers, so that credit all across the board is available to people and gets this economy back on track and loosens up credit across the United States.

And I support the manager's amendment and ask for an "aye" vote.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 3 minutes to Mr. SCHOCK from Illinois.

Mr. SCHOCK. Thank you, Mr. GARRETT. I would like to congratulate you on bringing this piece of legislation forward, and I admire the meticulous and bipartisan nature in which you have crafted it.

So I would also like to thank you, the both of you, for the inclusion of my noncontroversial amendment into the manager's amendment. I believe this amendment represents a small but important step which will serve the good of the American people.

My amendment is very simple. It establishes a user-friendly Web site where the American people can quickly and accurately see where their money is going. During debate yesterday, we heard the need for more oversight, more transparency, and more control over the flow of TARP funds.

I am glad that we here in Congress will be provided more information about TARP funds. However, what about the American people?

This is their money, and I believe they need to be able to track it. I hope that an online database will provide a helpful tool in this effort. In essence, this amendment seeks to create a Google for TARP. This Web site will clearly display who is using the money, for what purposes and how their dollars will ultimately cycle back to their pockets. This Web site will be easily searchable and to contain information on both specific payments and on the aggregate amounts received by each receiving entity. This amendment is about accurate accounting, openness, fair government, transparency, and hopefully, one day, balancing our budget.

You know, when my constituents leave the grocery store, they know three things—what they've spent, what they got for their money and how their purchases are going to help their families. Well, the American people deserve to know the same thing when they, for the very first time, are pouring billions of the same hard-earned dollars, which can become a part of what the Treasury Department provides limited balance sheets, listing couple of purchases on their Web site. The target audience of this Web site is for those applying for TARP funds, in other words, financial experts. It is not for those who are looking to see how their money is spent.

Well, I'm sure my constituents are very similar to yours. They're not high-powered New York City investment bankers. While they have not been a part of this problem, they're being asked to foot the bill for it. In addition, it is their right where their money is going, for what programs it is being used and how it will benefit them in the long run.

While I support the bill we are considering today, I am concerned that the changes, while wonderful, may further confuse where this money is going. Funds will begin to cross over multiple government agencies to the point where anyone wanting to track the flow of money would have to visit multiple Web sites with his mouse in one hand and his calculator in the other. A person should not have to be a forensic accountant to decipher where his tax dollars are being allocated.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

Mr. SCHOCK. Thank you, Mr. FRANK. My hope is that, through this amendment, we can establish something similar to what can become a part of what our President-elect has established under the Federal Funding Accountability and Transparency Act of 2006—the USAspending.gov Web site, a Web site explaining to the American people the different Federal agencies and how their hard-earned money is being spent to better their lives.

As I said, this is a commonsense amendment that seeks to improve the people's access to their government.

Mr. FRANK of Massachusetts. Would the gentleman yield to me the remaining few seconds?

Mr. SCHOCK. Yes, sir.

Mr. FRANK of Massachusetts. I just want to say the gentleman said his amendment was noncontroversial, but noncontroversial doesn't mean unimportant. It is a very thoughtful amendment. It will greatly advance things, and I appreciate his offering it.

The Acting CHAIR. The gentleman's time has expired.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the Members who has been most active in trying to deal...
Mr. HENSARLING. Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don’t. I’m sure that who the chairman was alluding to. We certainly do not believe that foreclosure is something that is a subject of the aisle. I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don’t. I’m sure that who the chairman was alluding to. We certainly do not believe that foreclosure is something that is a subject of the aisle. I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don’t. I’m sure that who the chairman was alluding to. We certainly do not believe that foreclosure is something that is a subject of the aisle. I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the most active advocates of trying to have effective foreclosure relief. She is the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, it appears that some Members don’t care about the debt that they are placing on future generations, constraining their homeownership opportunities. They don’t care about the fact that we are now looking, under this Congress, at the single largest deficit in America’s history, that we are seeing red ink as far as the eye can see and that we are possibly planting the seeds for an even worse recession 5, 6, 7, 8 years from now because bad public policy decisions, Mr. Chairman, after 9/11 and after the dot-com bubble have led us to where we are today.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you, Mr. Chairman. I yield myself 1 minute.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you, Mr. Chairman. I yield myself 1 minute.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you, Mr. Chairman. I yield myself 1 minute.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you, Mr. Chairman. I yield myself 1 minute.
the President who ignored the law and a President who agrees with us to abide with what the House asked him to do.

The Acting CHAIR. The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MATSU

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–3.

Ms. MATSU. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. Matsui:

Page 32, after line 19 insert the following new section and redesignate the subsequent section and conform the table of contents accordingly:

SEC. 206. FORECLOSURE MORATORIUM RECOMMENDATION.

(a) FORECLOSURE DEFERMENT.—It is the sense of the Congress that any institution which becomes an assisted institution on or after the date of the enactment of this Act should not initiate, or allow to continue, a foreclosure proceeding or a foreclosure sale on any account with respect to any principal homeowner mortgage, until the earliest of the following:

(1) The date by which the comprehensive plan to prevent and mitigate foreclosures has been developed by the Treasury Department and the Federal Deposit Insurance Corporation and approved by the Financial Stability Oversight Council under section 201 and become fully operational.

(2) The date by which the systematic foreclosure prevention and mortgage modification plan has been established by the Secretary in accordance with section 204 and become fully operational.

(3) The end of the 9-month period beginning on the date of the enactment of this Act.

(b) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If an assisted institution with subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in subparagraph (1) or (2) of such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

Mr. FRANK. The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.
(d) Duty of Consumer to Respond to Reasonable Inquiries.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage shall respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from California (Ms. Matsui) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. Matsui. Mr. Chairman, I rise today to offer an amendment, along with Representative Kathy Castor, to help homeowners across our country. Our amendment expresses the sense of the Congress that financial institutions who receive future TARP funds should not foreclose on any principal homeowner until the new loan modification program is implemented and deemed fully operational.

Mr. Chairman, the foreclosure crisis is the root cause of our current economic crisis. Sadly, there is no end in sight.

Right now, more than 8 million homeowners are expected to face foreclosure over the next 4 years. That is one in six mortgages in the United States. The rising unemployment will cause even more Americans to face foreclosure. California, and in particular my home district of Sacramento, has been greatly impacted by the foreclosure crisis. I’ve hosted foreclosure workshops. I’ve seen the hardships and looks of desperation on so many faces not knowing if they will lose their home.

At one workshop, I was approached by a woman that had a loan through one of the financial institutions that had the TARP funds. When we met, she had been talking to the bank’s representatives for a few months to try to save her home. She was one step from losing her home. It took her dozens of phone calls and letters over many months for her and the bank to settle on a new loan. I worry that without a true moratorium on foreclosures, people like her will not be as lucky.

Similar situations are occurring throughout the country.

Congress needs all of our available resources to keep Americans in their homes. The bill we’re considering today calls for the strongest foreclosure prevention program to date. It requires the Treasury and the FDIC to develop a comprehensive systemic loan modification program by April 1. However, that is more than 3 months away, and the plan is estimated to take an additional month or two to become operational. In the meantime, thousands of homeowners could be foreclosed upon.

Our goal is to help Main Street. It would be devastating if homeowners were foreclosed on before they had an opportunity to qualify for the new loan modification program under this bill.

That is why I have offered my amendment with Congresswoman Castor that calls on the mortgage industry to implement a temporary timeout on foreclosures in the coming days and months. Until then, a timeout in foreclosures is a necessary stop-gap measure that help Congress, regulators, and homeowners breathe some much-needed relief to the foreclosure crisis. I hope that my colleagues will join me in supporting this amendment.

I reserve the remainder of my time.

Mr. Garrett of New Jersey.

Mr. Garrett. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. Garrett. I yield myself 2 minutes.

First of all, I begin by saying I appreciate the sponsor’s intent behind the amendment. She and I join in the thought that we need to do all that we possibly can to deal with the terrible situation of the economy right now, and she is right that the subprime issue and the foreclosure issue is at the heart of the housing prices and the heart of the economic crisis that we have right now.

The question is, what do we do about it? And the question is, what do we do about it in a manner to help both those people who have been paying on time and also help those people who are perhaps in a difficult situation?

The amendment, though, as it’s currently written, may have an unintended effect. If you effectively allow for an extended period of moratorium on foreclosures, that may actually have the potential of encouraging people from actually going to the bank to try to work things out. Or maybe it’s not encouraging, not just encouraging them enough to do what is appropriate during this period of time.

I would ask the gentlelady a question, though.

In the form of the amendment, besides the potential policy problems, it would appear that the amendment is flawed technically, and for that reason, unworkable. If I look at page 2—and if she would refer to that—it’s set up not as a sense of Congress, which, I believe, is the intention behind this bill, but rather as language which would have the force of law. Page 2, section C, “duty of the consumer to maintain property.” It goes on to say that any homeowner whose benefit in foreclosure proceeding or sale is barred under subsection A, “it makes reference to other sections of the law.

The question is, how can a sense of Congress, therefore, actually have the effect of law? So is this an amendment that has the best of intentions but was drafted in a manner that potentially would have the effect of law even though it is not a law, it is merely a sense of Congress?

I would ask, then, in light of the fact that there is both the policy reason that we may agree on but have some problems with but is technically flawed, I would ask that the sponsor consider such a sense of Congress?

Ms. Matsui. Mr. Chairman, I yield 1 minute to the chairman of the committee.

Mr. Frank of Massachusetts. I’ll tell you what it’s written to say. We believe that it is entirely a sense of Congress but understand the terrible harm that would come if it wasn’t. Of course, the gentleman says it’s not going to become law, so why he’s so concerned about it, I don’t know.

But if it did, here is what it would do: This terrible section, here’s what it does. It says that the borrower can’t destroy the property. We are in danger of being too strong in insisting on protecting the lender. The language to which he objects—which he quite understandably didn’t read—says “the homeowner may not, with respect to any property, destroy, damage, or impair such property, allowing it to deteriorate or commit waste.”

So it may be that we have unduly argued that the borrower pending this who’s got a foreclosure shouldn’t trash the property.

I will plead guilty to perhaps erring on the side of ambiguity in imposing on the borrower an obligation not to trash the property.

Mr. Garrett. I yield myself just 1 more minute.

I can simply come to the floor and speak to what the experts have testified in committee with problems of language of this nature. One is, as I’ve already stated, experts have said that language like this would change the situation for borrowers to not do the right thing, that is, to call up their lenders and say, “I have a problem, and I want to engage in negotiations to try to work out the loan.”

We know this is an ongoing problem, and that’s why there’s so many advertisements and like on TV right now to encourage people to do the right thing. This language would be counterproductive in that, so the experts say. Secondly, the lenders have come to the committee and testified before our committee that the longer the borrower remains delinquent, the less
likely he or she will be able to cure the delinquency and avoid foreclosure.

All this is really doing is prolonging what should be dealt with today. It's never to be put off to tomorrow what we should deal with today, and this language, unfortunately, does just that.

With that, I reserve.

Ms. MATSUI. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 1 minute remaining. The gentleman from New Jersey has 2 minutes remaining.

Ms. MATSUI. Mr. Chairman, I would like to yield 1 minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Matsui-Castor amendment. Congresswoman Matsui has summarized the amendment very well, and I appreciate her leadership.

We will agree the housing crisis, foreclosures, and the related disintegration of value in our neighborhoods must be addressed. We know the statistics very well about the extent of the problem. And in Florida, we have the second highest rate of foreclosures.

I did not support the $350 billion first tranche of the TARP because I had no confidence in the Bush administration that they were going to help homeowners and prevent foreclosures. I hoped and prayed that I was wrong, but unfortunately, that has been borne out.

I'm now planning my fourth foreclosure workshop, and to the contrary, rather than discouraging homeowners, here is what I found. They cannot get the loss mitigation personnel on the phone. They want to work it out. They want a little bit of breathing room.

Now where it's a vicious cycle because they've lost their job, they're looking for their second part-time job, they need a little breathing room that this amendment will provide.

They're not asking for a bailout. They're not asking for billions of dollars that have gone to the financial institutions. They want a little bit of a break.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 1 minute.

I appreciate the gentlelady's comments. We have done similar programs such as that in talking to the people in the district as far as working out, what have you got.

Again, the experts—this is the third point I could have raised before—the experts also tell us that a foreclosure moratorium, which in essence is what we're talking about here, will have the unintended side effect also of raising up the cost of mortgages in the future.

So what this means is for that individual who may be able to work out a deal today because mortgage rates are, as we know, at historic low rates, if this has the effect of law—which is actually a provision here—and the moratorium were to occur and mortgage rates were to go up, by the time they actually sat down with that facilitator at the bank and worked things out, they would find that the mortgage rates unfortunately, due to the economies of the nature of this bill, the rates are higher and they are at a disadvantaged situation than they would be today.

Let's have people encouraged to work out their mortgages today. Work it out with their banks. I'm sure both sides of the aisle want to use our offices to facilitate those communications as well when people have problems contacting their banks. I know my office works, and I'm sure your office does as well to try to get that contact with them.

And let's do that to get it done today and not put it off until tomorrow.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Does he yield that minute back?

Mr. GARRETT of New Jersey. I yield back.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

1235

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-3.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 11, strike lines 1 through 7.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I've listened carefully to the previous speaker and comments from our distinguished chairman of the Financial Services Committee. It's quite clear to me that, come early next week, they're certainly going to miss President Bush. I don't know who they're going to start to blame every problem in the universe on come next week.

I didn't come here to engage in the blame game, but I certainly can't let the chairman's comment pass as he said something to the effect that President Obama is inheriting a problem created by President Bush. Well, as the chairman knows, there's a lot of underlying causes to the predicament we find ourselves in and I'm happy to debate them at a later time, but I would also note that the economic policy of America was determined substantially by this Congress, and the economy was doing just fine until the Democrats took over Congress.

Now, Mr. Chairman, as I look at the bill that is before us, again, there are certain areas where I agree with our distinguished chairman, more accountability and more transparency tends to be a good thing. But Mr. Chairman, there is a provision here that says the "Secretary may require an observer in the board rooms for institutions that receive TARP money." Now, Mr. Chairman, I've been around here for a few years and although I have no doubt that everybody is well-meaning in the legislation that they bring to the floor, my fear is that today's "may" shall turn out to be tomorrow's "shall." And my fear is that today's "suggester" will become tomorrow's "mandator." I think this is a terrible, terrible precedent. I think it be-speaks of industrial policy run by the government. I think it puts, again, one of those slippery stones on that slippery slope to socialism.

And Mr. Chairman, what are they observing? I mean, what specific policies have they been given to undertake by the United States Government? Are we observing? And what I observe, Mr. Chairman, is that my reading of the legislation says that any "assisted institution" as defined by any institution that receives "any direct or indirect recipient of assistance or benefit from TARP." And so I hope that the distinguished chairman of the Financial Services Committee, on his time, will enlighten us on his interpretation of how he wrote the underlying bill. Because does this mean that any business borrowing money from a bank under TARP will now be subject to an observer of the Federal Government? Does this mean anyone who has an insurance policy with AIG is now subject to an observer from the Federal Government?

Since we have express language in here dealing with the auto industry, I hope the chairman will answer the question; does this mean that the Secretary of the Treasury can place an observer in every UAW union hall across the Nation if they receive monies under TARP?

Now, again, I have no doubt that, although I disagree with the chairman on a number of issues, I know that his purpose is a noble one. But I also know, Mr. Chairman, that when things begin in Washington, they don't always end the way that they started. And so I would question—and you know, we were told at one time Social Security would be solvent forever; well, it's not. We were told that TRIA was a temporary program; well, it's not. We were told that Fannie and Freddie would be bailed out; we were told that no one said it meant it at the time, but circumstances change, they were bailed out. We were told that once House Democrats took over control, that they would rein in spending and balance the budget and now we have the largest deficit in American history.

So I'm fearful that this provision will grow into something that maybe it's...
Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. Mr. Oxley—I never said that it would be temporary. I believe that there is, in fact, a public responsibility to deal with terrorism, and I didn’t feel it was going to go away. But in any case, it’s an irrelevancy.

The fact that the budget deficit went up does not seem to be an argument against giving the Secretary of the Treasury discretionary authority to send an observer with the right to sit in on meetings if he believes that because of a particular set of circumstances, it’s not a voting member, and it’s not mandatory in all cases. I find it hard to see what harm it would do; so, apparently, does my friend from Texas. Because if he were clear about the harm that would do, he would have documented that. Instead, he talked not about the harm that might come from this amendment, but from harm that might come at a future date when something very different from this amendment was put into effect. By the way, this could not grow in an evolutionary fashion; it would take a vote of the Congress to require this. This would not be something that happens accidentally; it would be something that would take a conscious decision.

Now, I will say, by the way, with terrorism, and what we are saying here is we want more accountability. We are saying that we have some confidence in the Obama administration. And again, we are at the central issue here. Many of us believe that the Bush administration did not use this authority as well as they should have. By the way, I agree with the administration that we are still better off than they would have been if they had not had the authority at all, but we thought it could have been used even better. The central question we will be addressing next week is: do we deny to the new President tools that the old President had that many think he misused?

This bill is a subordinate, it says this; should we tell the new President that, while we in the House believe he should have the opportunity to deploy these tools, we have very clear ideas about what should be done about it? And we have done several hearings. This has been a very participatory process. I was pleased with the gentleman from California (Mr. CAMPBELL) yesterday, the gentleman from Illinois (Mr. SCHOCK) today, both talked about things that are positive in this.

We have opened ourselves up and have accepted a large number of proposals from Members on both sides. There will be an amendment offered later by the gentleman from Arizona (Mr. GOSAR). I expect him to vote for it, and I hope the House will overwhelmingly adopt. So we are trying to move forward.

If Members want to debate what we are doing or not doing, that’s reasonable; but let me just close by saying here’s where we are: We are proposing that the Secretary of the Treasury in the new administration have a discretionary right to send an observer to recipients of TARP funds where he thinks that would be appropriate. The gentleman from Texas says we don’t do that because TRIA became permanent, and we have a bigger budget deficit. And I guess hair doesn’t grow on certain parts of the body. None of these have anything to do with the issue under consideration. And the absence of arguments against this, what the amendment proposes, gives me a sense of confidence that it’s really pretty hard to criticize.

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

Mr. HENSARLING. Perhaps the chairman did not hear all of my remarks.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. HENSARLING. I do not.

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his point of order.

Mr. FRANK of Massachusetts. I was told that the gentleman’s time had expired. I have a right to close. I waived that because I was told that the gentleman had consumed 5 minutes when I asked. I thought that was all there was on the amendment.

The Acting CHAIR. No. The gentleman from Texas had 30 seconds remaining. The Chair understood the question to be—or at least the answer provided was—how much time the gentleman from Massachusetts had, which was 5 minutes.

Mr. FRANK of Massachusetts. Oh. I apologize for my dictation because I thought that I had asked how much time he had consumed.

The Acting CHAIR. And the Chair apologizes for any misunderstanding.

The gentleman from Texas has 30 seconds remaining to close.

Mr. HENSARLING. Again, perhaps the chairman of the committee missed some of my remarks. My concern is the way that this is drafted is we are giving the Secretary of the Treasury the power to put an observer into every small business in America who borrows money from a community bank that gets TARP funds. That isn’t what might happen, that is what does happen. And when the chairman says he’s concerned about accountability, I wonder why doesn’t that go to the borrower side. Why is he striking that portion of the bill that has borrower certification that they did not intentionally default on their mortgage? Why does this bill strike the fine or imprisonment for borrowers who make willful false statements? Why does he strike the requirement of those who are found to have committed mortgage fraud, that they have to expunge any record of anything under consideration? So it’s kind of selective concern, I would say.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Do I have any time remaining?
The Acting CHAIR. The gentleman from Massachusetts yielded back the balance of his time.

Mr. FRANK of Massachusetts. Mr. Chairman, I did that, but I did that because I had asked—as I think the transcript would show—how much time he had consumed. We apparently had a miscommunication. So I would ask unanimous consent that any remaining time be allowed.

The Acting CHAIR. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIR. The gentleman from Massachusetts is recognized for the 10 seconds remaining before he yielded back the balance of his time.

Mr. FRANK of Massachusetts. I will use the 10 seconds to say that the gentleman from Texas said “may” may become “shall.” “May” does not become “shall” without our voting.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HIGGINS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–3.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will control the time.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLT:

Page 19, after line 20, insert the following:

SEC. 108. TREASURY FACILITATED AUCTION. Section 112(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) Use of Market Mechanisms. —

“(1) In general.—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

“(2) AUCTION FACILITATION.—

“(A) IN GENERAL.—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to secondary purchasers.

“(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”

The CHAIR. Pursuant to House Resolution 62, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment is simple and straightforward.

One of the difficulties with the troubled assets is assigning values to them. One way of doing that is through auctions. This amendment encourages—in fact, directs—the Secretary, without using taxpayer funds, to facilitate an auction. It will allow the TARP assets to be valued and should help to liquidate and dispose of those assets in the way that was intended.

Now, I should say that this amendment, although approved by the Rules Committee, is also included in its entirety in the manager’s amendment as accepted.

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. HOLT

Mr. HOLT. Therefore, I ask unanimous consent to modify the amendment before us in a manner that is before you at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk reads as follows:

Modification to amendment No. 4 offered by Mr. HOLT:

Amendment No. 4 is modified to read as follows:

Page 7, line 18, strike the quotation marks and the last period.

Page 7, after line 18, insert the following new subsection:

“(b) RECONSIDERATION.—

“(1) Any institution that has submitted, pursuant to procedures established by the Secretary in consultation with the appropriate Federal banking agencies, an application for assistance under this title that has been denied by the Secretary, may seek reconsideration of its application from the Financial Stability Oversight Board within 30 days.

“(2) The Oversight Board shall promptly review such requests for reconsideration and provide its findings and conclusions to the Secretary within 30 days after receipt of such a request.

“(3) Pendency of a request for reconsideration pursuant to this subsection shall not in any way impede or stay the ability of the appropriate Federal banking agencies to take any action or other action necessary with respect to the safety and soundness of the institution.

Page 63, line 15, strike “(y)” and insert “(i)”.

Mr. HOLT (during the reading). Mr. Chairman, I ask that the amendment be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIR. Is there objection to modifying the amendment?

Mr. GARRETT of New Jersey. Mr. Chairman, reserving the right to object, I appreciate the gentleman’s initial amendment, and I think I appreciate the gentleman’s intention of the subsequent amendment.

Can the gentleman explain the reason why the gentleman is on the floor with the subsequent amendment as opposed to having proposed that amendment through the regular committee process?

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from New Jersey.

Mr. HOLT. Yes, I can explain. I submitted both of these amendments for committee consideration and for Rules Committee consideration. It was my understanding that they were both included in the manager’s amendment and, in fact, the chairman tells me that it was his intention to include both of them in the manager’s amendment.

Only one of them was actually included in the manager’s amendment. So I’m asking unanimous consent to modify the one amendment that is already in the manager’s amendment but also approved for floor consideration to represent the one that was not included in the manager’s amendment but should have been.

Mr. GARRETT of New Jersey. Reclaiming my time, wasn’t your amendment, I’m told, dated, though, just this morning?

Mr. HOLT. If the Member who controls the floor would yield to Chairman FRANK, I think we can get a better explanation.

Mr. GARRETT of New Jersey. I will let the chairman speak during his time. So you’re not aware, though?

Reclaiming my time, I’m looking at it as January 15, 2009, 9:59 a.m., which would have been this morning.

Mr. HOLT. That is because I learned only this morning that it was not included in the manager’s amendment, as I had understood and been led to believe, therefore, I typed it up so that it could be considered on the floor.

Mr. GARRETT of New Jersey. Thank you.

At this point, Mr. Chairman, I object to the modification.

The CHAIR. The gentleman from New Jersey (Mr. HOLT) is recognized on the original amendment.

Mr. FRANK of Massachusetts. Would the gentleman yield to me?

Mr. HOLT. I yield to the chairman.

Mr. FRANK of Massachusetts. I just want to express my disappointment at this lack of comity. I had the explanation. There was an error that was
not the gentleman from New Jersey’s fault. The gentleman from New Jersey (Mr. GARRETT) on the other side asked him a question to which he could not have had the answer because he was not in control of the process. I was willing to give him the answer in the certain cases, but the refusal to allow an explanation really dismays me.

The gentleman from New Jersey (Mr. HOLT) submitted this amendment on Tuesday. We had some questions about the form of it. He and I had conversations yesterday in which we came to an agreement that this part of the amendment would be easily accepted, that other parts would not be. So he modified it, and he modified it yesterday, and the modifications would be easily accepted, that we then came to. So he submitted it in a timely fashion on Tuesday in a bigger version. We agreed yesterday to remove part of it and leave this part of it. The gentleman has in every case acted in a timely fashion. He and I had conversations we had. My error and misunderstanding of my instructions led to the wrong amendment being put in order at the Rules Committee rather than this revised version.

Mr. HOLT. Requesting my time to talk about the substance, let me ask the Chair the time remaining, please.

The CHAIR. The gentleman has 2 1/2 minutes remaining.

Mr. HOLT. Mr. Chairman, one of the problems that needs to be addressed is something that has outraged the country, my constituents, Mr. GARRETT’s constituents, I’m sure many. It occurred when TARP funds were denied to a bank, awarded to another bank. The first bank then was overtaken by the second bank using, presumably, TARP funds. This was not something that taxpayers appreciated.

Mr. GARRETT of New Jersey. The first bank then was overtaken by the second bank using, presumably, TARP funds. This was not something that taxpayers appreciated.

In Mr. FRANK’s legislation before us today, there are some protections against that happening. I would like to see still further protections against that happening, and I believe the taxpayers would, and, in fact, I believe Mr. FRANK would because the gentleman has expressed concern about choosing winners and losers, using TARP funds where the Treasury will say, well, this institution is not worthy of TARP funds, that institution is worthy of TARP funds, and the one that gets the funds can take over the loser. That is what many taxpayers have found outrageous. I think that’s what Mr. GARRETT has spoken against.

The amendment that I am asking to have considered would simply allow that entity denied the TARP funds to appeal. It would provide some insurance against the kind of National City Bank occurrence from happening again. It would provide a certain measure of protection against a winner over-taking a loser only because of the decisions of the Treasury. It’s a small protection but I think a valuable protection, and I wish that the gentleman, my colleague from New Jersey, were more amenable to it.

Mr. HOLT. I would yield any remaining second to the gentleman from New Jersey if he has further comment.

Mr. FRANK of Massachusetts. Yes. It is to say that the gentleman has a very good idea. I regret that what I believe to be obstruction from incorporating it, but I will be strongly urging the administration to work with us to see that this is made a part of the overall proposal.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes. He is being timed by the Clerk. He is being timed by the Clerk. Mr. GARRETT of New Jersey. To the gentleman from New Jersey on the amendment that’s actually before us I’m in general agreement with and also with the amendment that he proposed through his U.C., I believe that I also would strongly urge the administration today because the general idea sounds basically like what we think alike on in how do you add protection to the taxpayer and also to the little bank that’s being bought out. And were we in a different situation of the economy was going to have the force of law and be signed into law by the President, there may be some expediency as far as necessary in order to get this thing through as we speak here today.

But we have already heard from the chairman and the point has been made repeatedly that this underlying piece of legislation that we’re talking about here today is not going anywhere, and that’s a shame because there are a number of provisions in the underlying bill that are important as is the provision that you’re suggesting.

What is disconcerting is that good amendments such as this and, quite honestly, some other good amendments from both sides of the aisle that I’ve heard about just literally as I’m sitting here talking to people didn’t have the opportunity to go through the process and to be fleshed out, and I’m not saying your bill needed any more fleshing out, but had a hearing and have experts on both sides of the equation give their 2 cents to.

As I sit here right now, it sounds like a good idea. I’m not sure whether there might be some aspects of it from the banking community that they may say, “Yes” he’s right there may be a case there. That, of course, is the whole process of the committee process. And as you know, unfortunately, we didn’t have a hearing. We didn’t have a markup. And had we done that, I’m sure you would have been right there. And in that case and I probably would have been right there saying great amendment.

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I sure will.

Mr. HOLT. Putting aside the gentleman’s sense of the ultimate disposition of this legislation, I would ask wouldn’t he like to make it as good as possible? We are considering it now and wouldn’t he care to reconsider his objection?

Mr. GARRETT of New Jersey. Reclaiming my time, I’m not going to reconsider my objection for the underlying reason of amendments that I’m going to have the force of law and be signed into law by the President, there may be some expediency as far as necessary in order to get this thing through as we speak here today.

But I will say this, that should the good chairman decide to do what I think is appropriate here, and that is to go forward with additional hearings and additional legislation and additional opportunities to direct the next administration on the $350 billion that he’s about to get and who knows how many other pieces of authorization of dollars that he has, I hope that the chairman will actually afford all of us from both sides the opportunity to present this amendment and other amendments as well to go through and be vetted in the committee process and at which time I give my pledge to work from this side of the aisle with the gentleman to do all that I can to see that it facilitates through should the chairman actually give us that opportunity. Mr. Chairman, I yield back the balance of my time.

Mr. HOLT. Mr. Chairman, I ask, with disappointment at the gentleman’s obstreperousness and intransigence, to withdraw amendment No. 4 because it is unnecessary. It’s already included in the manager’s amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–3.

Mrs. BACHMANN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIR. Pursuant to House Resolution 62, the gentlemanwoman from Minnesota (Mrs. BACHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlemanwoman from Minnesota.

Mrs. BACHMANN. Mr. Chairman, I rise now to offer an amendment to the bill before us, H.R. 384, which would strike the bill’s misguided provisions that, in effect, water down important taxpayer protections in the hope for homeowners—

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.
Mr. FRANK of Massachusetts. The gentleman is referring to amendment No. 6. She offered amendment No. 5.

Mrs. BACHMANN. Mr. Chairman, I am going in order of the amendments. I am going in order of the amendments as they're offered.

Parliamentary inquiry

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman. The CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. We had No. 5 first, and the gentleman said No. 5. No. 5 is the auto amendment. The order we were given had No. 5 as the automobile one.

Mrs. BACHMANN. Mr. Chairman, I am going according to the rule. The CHAIR. The gentleman may proceed.

Mrs. BACHMANN. Thank you, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, point of order.

Under the rule, amendment No. 5, which was introduced, deals with automobiles, not with the subject of this. The gentlewoman introduced, was asked for amendment 5, rose and introduced, we were told it was No. 5. That deals with automobiles.

The CHAIR. The gentlewoman has the time for 5 minutes on her amendment, No. 5. Regarding automobiles?

Mrs. BACHMANN. No, Mr. Chairman.

The CHAIR. Amendment No. 5 is pending.

Mr. FRANK of Massachusetts. If I could make a point of order. Apparently we were given a misprinted copy of the rule. So I apologize. The copy of the rule we got was misprinted, and the order was reversed on the copy we got.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection. The Clerk read as follows:

Amendment No. 5 offered by Mrs. BACHMANN:

Strike line 1 on page 65 and all that follows through page 68 line 2.

The CHAIR. The gentlewoman from Minnesota may continue.

Mrs. BACHMANN. Thank you, Mr. Chairman.

Again, I rise to offer my amendment to H.R. 384, which would strike the bill's misguided provisions that would water down the important taxpayer protections in the Hope for Homeowners Program.

When the majority created this program, Mr. Chair, 3 months ago, it was not just to help, it was to help those who were behind on mortgage payments and possibly facing foreclosure.

This was a worthy goal, Mr. Chairman, but it seems that the majority created a government program for which there has been very little public demand.

With a little over 300 applications in the pipeline, it’s clear that this program has been an enormous waste of time, of energy, of money and of other taxpayer resources. Just 12 days ago, Mr. Chair, as of January 3, 2009, the majority created a government program which cost taxpayers $300 billion, can be credited with helping, not 400,000 families, just 13 families actually refinance.

So what will the majority do? How far will they go to prove that their failing program is a success and not a boondoggle?

Unfortunately, Mr. Chair, today we are seeing the answer before this body. My Democrat colleagues are willing to strip out the essential taxpayer protections in an effort to spur more participation in this program.

Mr. Chair, we are talking about taxpayer protections which were already weak at their very best light. In the underlying bill, they are virtually non-existent. The people who will benefit, the participants, will no longer be required to pay any up-front premiums. In other words, Mr. Chair, they will have no skin in the game, which was originally required to help sustain this program.

The annual premiums are even significantly decreased under H.R. 384 and, in fact, the Federal Housing Administration is given the authority to reduce them all together whenever they see fit.

These two mechanisms were common sense. They were regularly touted, with all due respect, by our Chairman Frank and other supporters of Hope for Homeowners as important safeguards to protect the taxpayers when the program was established. We agreed to that.

Yet today they seek to eliminate these protections from title V. Additionally, title V removes the requirement in the current program that ensures taxpayers will receive a home equity appreciation share as payment for the taxpayers' investment through Hope for Homeowners.

In other words, people will be permitted to receive assistance from the government to pay their mortgages, but should their home values rise, they can make a profit, and they won't have to give anything back to those same taxpayers who lent them a helping hand in the first place to keep their home.

Our chairman, again, explained this issue best once upon a time when our chairman stated you are not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that loan-to-value ratio. That's exactly the direction that the bill before us, H.R. 384, takes for this program.

This bill scales back the haircut that lenders must take to participate in Hope for Homeowners from 90 percent to 95 percent of the loan-to-value ratio, but it simultaneously removes the already weak taxpayer protections that are in the program.

This provision also authorizes payments to servicers for every loan ensured under the Hope For Homeowners Program.

While I too have concerns that some servicers may not be refinancing loans as quickly as we would, or as often as they should, this is real. The bill’s language, unfortunately, is so vague, Mr. Chairman, so open ended, that servicers could be paid billions of dollars in return for refinancing loans.

This provision essentially increases the risk to the cost of the taxpayers while reducing the burden on investors and servicers to submit bad loans to the government for modification, not the direction we want to go, I submit. This V also allows $300 billion of dollars authorized under TARP to be used to further fund Hope for Homeowners should it run out of the 300 billion the program has already received. What that means is that this bill gives an already failing government program an unlimited supply of tax dollars under TARP should they run out of money.

How in the world does this make sense for American taxpayers?

The CHAIR. The time of the gentleman has expired.

Mrs. BACHMANN. Thank you, Mr. Chair. I will just finish this sentence.

At the very least shouldn't we wait to see how the current $300 billion, yes, billion, should be spent.

If this is near the end of my time, Mr. Chair, I would submit my remarks for the RECORD.

That's as if the Democrats are predicting that their own program will face a shortfall due to re-defaults or some other course of events. At the very least, this is a self-fulfilling prophecy. With an unlimited supply of funds on which to draw, there will be no incentive to improve and HOPE for Homeowners will continue to bleed taxpayers dry without any benefit to the homeowners it is meant to help.

Mr. Chair, U.S. Secretary of Housing and Urban Development Steve Preston recently stated that the HOPE for Homeowners program has been a failure, in part, because Congress dotted the i's and crossed the t's for [HUD], and unfortunately it has made this program tough to use.

Yet here we are again watching Democrats legislate their way to the impossible—only this time they have rejected even the appearance of protecting taxpayers.

I urge my colleagues to support my amendment and restore what little taxpayer protections was in place in the HOPE for Homeowners program.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition. I apologize again. The Rules Committee report was misprinted. It listed them in the wrong order, so I apologize to the gentlewoman. That's why we were reacting to a misprint.

I oppose this in part because——

The CHAIR. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. The proposal that the gentlewoman singled
surprised—I am a little surprised that ning irresponsible subprime loans, I am people who voted in 2007 against ban-

do not want us to respond to the fore-

ging homeowners has been a failure and he’s

So we have on the one hand Repub-

correctly pointing out that our effort for Hope for Homeowners failed, but

Now when we put in the improvements,

Frank acknowledged, however, that, con-

should it be very relaxed? Whatever we

That’s the fly in the ointment.’’

Montgomery complained that any minor

Frank provided a letter he wrote to Treas-

But part of the problem is that the pro-

to attract borrowers who took out loans

The list of impediments goes on. Borrowers

Secretary of Housing and Urban Develop-

The three-year program was supposed to help

For all those reasons, FHA Commissioner Brian Montgomery said he got an earful from agitated lenders, housing counselors and real estate agents at a seminar last month in Atlanta designed to educate hous-

out to object to is a recommendation from Mr. Preston, the Bush adminis-

Members have pointed out that the

The CHAIR. The time is expired.

Mr. FRANK of Massachusetts. How

I would ask how much time is re-

The CHAIR. The gentleman from Massachusetts has 2¼ minutes remaining.

Mr. FRANK of Massachusetts. How

What most people don’t understand is that this program was designed to the detail by Congress,’’ Preston said. ‘‘Congress dotted

the t’s and crossed the t’s for us, and unfor-

The criticism comes as Congress prepares to weigh in with further plans to help dis-

What we thought would be a civil and cor-

Frank called Montgomery’s assessment of Congress’s handling of the legislation ‘‘dish-

As for oversight, he said the board is made up of Bush appointees. ‘‘Shame on them if

New when we put in the improvements,

Frank said Frank, chairman of the House Financial Services Committee. ‘‘The administration was crit-

The goal of the program, run by the Fed-

But part of the problem is that the pro-

The goal of the program, run by the Fed-

The CHAIR. The time is expired.

I had to come to the floor in defense of the Hope for Homeowners Program, simply because I think that the
The CHAIR. The gentleman is recognized.

Mr. FRANK of Massachusetts. Because I was confused before by the Rules Committee report misprint, what’s the amendment that’s not going to be offered that was to be offered by whom?

The CHAIR. The amendment is Amendment No. 6 offered by the gentlewoman from Minnesota.

Mr. FRANK of Massachusetts. Parliamentary inquiry. Is that the one that would stricken the aid for the automobile industry?

The CHAIR. The Chair is not aware of the content of the amendment.

Mr. FRANK of Massachusetts. But Amendment No. 6 as printed now, as we understand it, is the one that would strike aid to the automobile industry. So we understand that will not be offered?

The CHAIR. Amendment No. 6 will not be offered.

Amendment No. 7 offered by Mr. PATRICK J. MURPHY of Pennsylvania

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-3.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PATRICK J. MURPHY of Pennsylvania

Page 74, after line 17, add the following new title (and conform the Table of Contents accordingly):

TITLE VIII—AGENCY MBS PURCHASE PROGRAM DISCLOSURE

SEC. 801. DISCLOSURE REQUIRED.

Not later than 1 month after the date of the enactment of this Act, the Chairman of the Board of Governors of the Federal Reserve System shall issue to the Congress a report disclosing—

(1) the details of the competitive request for proposal process that was used to select the investment managers of the Federal Reserve System’s Agency Mortgage-Backed Security Purchase Program announced by the Federal Reserve System on November 25, 2008;

(2) all details of the contracts, including contract price, made between the Federal Reserve System and such investment managers; and

(3) steps that each such investment manager has taken to ensure that the investment managers have appropriately segregated the investment management team that implements the Agency Mortgage-Backed Security Purchase Program from other advisory and proprietary trading activities undertaken by the investment manager and the members of the investment management team.

The CHAIR. Pursuant to House Resolution 62, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The CHAIR recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, last fall we had to force financial institutions to restructure the mortgage portfolio of many homeowners who are under water on their mortgages. The principal write down in home for homeowners is key to helping families get into more affordable homes.

If this program is not changed in this bill, foreclosures would continue to rise. In 2008, foreclosures were up a record 61 percent with 861,664 families losing their home to foreclosure. Credit Suisse estimates that 8 million American homes will enter foreclosure in the next 4 years.

It’s one thing to object to programs even when the chairman was trying to work with industry and getting their input and taking their suggestions, which led to the original bill. But to have objection now to improving the program, based on information we have gotten from the Federal Reserve, who suggested precisely the amendments that are being done, is just not understandable.

I would ask my colleagues to disregard the attack on the Hope For Homeowners Program by the gentlelady from Minnesota and support homeowners and one more effort to keep homeowners in their homes, recognizing that many of them are under water now, precisely meaning that they are not worth what they contracted for in the mortgage that they have.

I think that we should be understanding of that. I think we should be supportive of homeowners being able to work with their lenders to get a writedown and to have these mortgages modified or refinanced through FHA so that they, again, can keep their homes.

The CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that amendment No. 6 will not be offered.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

We demand the details of the Fed’s MBS program, and it is our duty to demand the information about how the Federal Reserve will run this program.

For example, the Fed has refused to make clear details about how they chose the four firms and who will manage the purchases. They have refused to tell us how much they are getting paid. And it is still unclear what steps have been taken to ensure strict conflict of interest provisions are put in place so that these four firms are not given an unfair market advantage because of their role in the mortgage backed securities program. Despite half a trillion dollars at stake, Mr. Chairman, there are still too many things we do not know.

Mr. Chairman, my amendment is simple. It will force the Fed to do three things.

First, it will force the Federal Reserve to disclose the details of the request process used to select the investment managers.

Second, it would force the Fed to disclose the details of the contracts reached with these four investment managers, including price.

Third, it will force the Fed to disclose the steps that each investment manager has taken to ensure that the program is free of conflicts of interest or an unfair advantage.

Despite many requests from my office and news organizations, we have been unable to get the information relating to these contracts. With $500 billion and the public trust at stake, this information is not too much to ask or an undue burden on the Federal Reserve.

I urge my colleagues to support my amendment.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey (Mr. GARRETT) is recognized for 3 minutes.

Mr. GARRETT of New Jersey. I yield myself 3 minutes.

I think the intention and the language of the amendment is good, and I support the amendment to the underlying bill. There are just two points I want to make.
First of all, to the chairman, I support his comments the other day in committee when we had the Federal Reserve folks there when he said that he is going to be conducting hearings on the Federal Reserve come February. At that time I asked Mr. Cohen from the Banking Committee of the provisions in the bill that we were looking at or discussing at the time, we didn’t actually have the bill before us as a committee markup, would any of these provisions apply to the Fed as far as the way they conducted themselves in the future. His answer was in essence no. What you are trying to do now is to at least put something in this legislation to apply to it.

I commend the chairman for saying that we need to do a further investigation on the Fed on their expansive growth of power and authority and their use of it.

With that, my only regret is that this type of provision was not included in the TARP, because, once again, as I have said before and others have said on the floor as well, we have already spent $350 billion. Now, it wasn’t on an asset acquisition program, but that is what the initial bill was supposed to be. The initial TARP was a program to buy up toxic assets from the banks, and had we gone through regular order at that time, we could have had language in the original TARP bill to say that language like this, full disclosure, regulation on how everything is performed and who the managers are and so on and so forth, could have been done in the first TARP.

Unfortunately, that wasn’t done. We rushed through without a full hearing on it, we rushed through without a markup, and we were not allowed, and I assume the gentleman was not facilitated with, an opportunity to offer such language in the first TARP 1 at the time necessarily with regard to the Fed as here, but with how TARP 1 would spend the money and how TARP 1 would be looking for the same accountability.

I will close on this, just saying I commend the gentleman here. I will support his amendment and hopefully look forward to working with the chairman in February to have those hearings with regard to the Fed to get this job done thoroughly.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I support the gentleman and will support the vote on it. But as I hear the chairman’s comments, I am sitting here with regard to the idea that amendments were allowed, that this could have been done with TARP 1 through an amendment.

Mr. GARRETT of New Jersey. Again, I support the gentleman’s underlying amendment and will support the vote on it. But as I hear the chairman’s comments, I am sitting here with regard to the idea that amendments were allowed, that this could have been done with TARP 1 through an amendment.

I am sitting here racking my brain. To the best of my knowledge, there were no amendments that were going through on the floor on this at this time, so the gentleman would not have been allowed to do that, and I know that we did not have a hearing or a markup in committee on TARP 1, so there was absolutely no possibility at that time for the chairman to entertain either your amendment or my amendment or anyone else’s amendment. Of course, we didn’t have a markup, so there was not an opportunity for either one of us to confer.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT of New Jersey. No, I will just close on my point.

There was not an opportunity during the first go round with TARP 1. There may have been ideas discussed, there may have been ideas that were floated up and down and with the chairman’s discussions with the White House and what have you as to which is the best way to implement TARP 1 and what have you. But to the best of my knowledge there was no opportunity to have a markup, there was no avenue for us to make formal amendments during the regular course of progress during that sequence of time, and that is the unfortunate aspect of this.

Yes, I support the amendment. Yes, I will be working with the chairman on the work with regard to the work with the Fed. But no with regard to the process we have gone through in the period with the opportunity of any time from either side of the aisle to have an opportunity to enter amendments, discussion or otherwise in the committee meetings, since there was no markup, neither on the floor as well.

Finally we are beginning to go in the right direction as far as allowing amendments, but we are still not going in the right direction as far as allowing full committee meetings, we still are not going in the right direction, where we would be allowed to have a full committee hearing on this, where we could have vetted this and the other ideas that had come before. The gentleman from New Jersey, for example, had what I thought was a good idea, and I hope we had the opportunity there to vet that through process, we probably would be standing right here now and supporting that and getting that in this bill as well.

If this House would only go by the rules of the House and regular order, we would be doing better for the American public. We would be passing legislation that would be protecting the
January 15, 2009

American taxpayer. We would be passing legislation actually providing for
the transparency and accountability I
think that both of us want, both on the
original $350 billion and on this $350
billion.
We have not done that, unfortunately, in the past, and, unfortunately,
quite candidly, we are not doing that
that here as well.
I yield back the balance of my time.
The CHAIR. The question is on the
amendment offered by the gentleman
from Pennsylvania (Mr. PATRICK J.
MURPHY).
The question was taken; and the
Chair announced that the ayes appeared to have it.
Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.
The CHAIR. Pursuant to clause 6 of
rule XVIII, further proceedings on the
amendment offered by the gentleman
from Pennsylvania will be postponed.
ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of
rule XVIII, proceedings will now resume on those amendments printed in
House Report 111–3 on which further
proceedings were postponed, in the following order:
Amendment No. 1 by Mr. FRANK of
Massachusetts.
Amendment No. 3 by Mr. HENSARLING
of Texas.
Amendment No. 5 by Mrs. BACHMANN
of Minnesota.
Amendment No. 7 by Mr. PATRICK J.
MURPHY of Pennsylvania.
The Chair will reduce to 5 minutes
the time for any electronic vote after
the first vote in this series.
AMENDMENT NO. 1 OFFERED BY MR. FRANK OF
MASSACHUSETTS

The CHAIR. The unfinished business
is the demand for a recorded vote on
the amendment offered by the gentleman
from
Massachusetts
(Mr.
FRANK) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.
The Clerk will redesignate the
amendment.
The Clerk redesignated the amendment.
RECORDED VOTE

The CHAIR. A recorded vote has been
demanded.
A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 275, noes 152,
not voting 12, as follows:

rfrederick on PROD1PC67 with HOUSE

[Roll No. 19]
AYES—275
Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman

VerDate Nov 24 2008

Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine

01:34 Jan 16, 2009

H365

CONGRESSIONAL RECORD — HOUSE

Butterfield
Camp
Campbell
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke

Jkt 079060

Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Petri
Pierluisi

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany

Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Carney
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)

Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—152

PO 00000

Frm 00039

Fmt 7634

Sfmt 0634

Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder

Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)

Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Taylor
Terry
Thompson (PA)
Thornberry
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12
Bordallo
Boucher
Christensen
Diaz-Balart, L.

Faleomavaega
Sablan
Sessions
Sestak

Shuler
Snyder
Solis (CA)
Sullivan

b 1337
Messrs.
HOLDEN,
CRENSHAW,
MCINTYRE, and CASSIDY changed
their vote from ‘‘aye’’ to ‘‘no.’’
Messrs. WATT, HOEKSTRA, OLVER,
and Mrs. BIGGERT changed their vote
from ‘‘no’’ to ‘‘aye.’’
So the amendment was agreed to.
The result of the vote was announced
as above recorded.
(By unanimous consent, Ms. ZOE
LOFGREN of California was allowed to
speak out of order.)
ANNOUNCING THE BIRTH OF MOLLY HANNAH
SHERMAN

Ms. ZOE LOFGREN of California. Mr.
Chairman, I rise to make a very happy
announcement.
Our colleague, Congressman BRAD
SHERMAN, and his wife, Lisa, had their
first child last night—a beautiful baby
girl. Molly Hannah Sherman is 7
pounds, 15.6 ounces. I am pleased to report that mother and baby are doing
splendidly and that the father is expected to recover.
ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5minute voting will continue.
There was no objection.
AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Doggett
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen

The CHAIR. The unfinished business
is the demand for a recorded vote on
the amendment offered by the gentleman from Texas (Mr. HENSARLING)
on which further proceedings were
postponed and on which the noes prevailed by voice vote.
The Clerk will redesignate the
amendment.
The Clerk redesignated the amendment.
RECORDED VOTE

The CHAIR. A recorded vote has been
demanded.

E:\CR\FM\K15JA7.062

H15JAPT1


A recorded vote was ordered. The CHAIR. This is a 5-minute vote. The vote was taken by electronic device, and there were—ayeys 145, noes 274, not voting 14, as follows:

<table>
<thead>
<tr>
<th>Castor (FL)</th>
<th>Edwards (TX)</th>
<th>Himes</th>
<th>Hill</th>
<th>McKeon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aderholt</td>
<td>Atkins (NC)</td>
<td>Alexander (AZ)</td>
<td>Anez</td>
<td>Bachmann (MN)</td>
</tr>
<tr>
<td>Bachus</td>
<td>Barrett (SC)</td>
<td>Bartlett (CT)</td>
<td>Barton (TX)</td>
<td>Biggers</td>
</tr>
<tr>
<td>Bilirakis</td>
<td>Bilirakis</td>
<td>Bishop (UT)</td>
<td>Blackburn</td>
<td>Blunt</td>
</tr>
<tr>
<td>Boehner</td>
<td>Bonner</td>
<td>Bono Mack</td>
<td>Bosman</td>
<td>Boozman</td>
</tr>
<tr>
<td>Bosley</td>
<td>Brady (TX)</td>
<td>Briggs</td>
<td>Brown (GA)</td>
<td>Brown-Waite, Ginny</td>
</tr>
<tr>
<td>Buchanan</td>
<td>Burgess</td>
<td>Burton (IN)</td>
<td>Buyer</td>
<td>Calvert</td>
</tr>
<tr>
<td>Campbell (NY)</td>
<td>Cantor</td>
<td>Carroll</td>
<td>Carper</td>
<td>Casey</td>
</tr>
<tr>
<td>Castor</td>
<td>Cato</td>
<td>Chadwick</td>
<td>Charlie</td>
<td>Chabot</td>
</tr>
<tr>
<td>Chaffetz</td>
<td>Coleman (CO)</td>
<td>Cole</td>
<td>Cone</td>
<td>Conaway</td>
</tr>
<tr>
<td>Culberson</td>
<td>Cummings</td>
<td>Davis (KY)</td>
<td>Diaz-Balart, M.</td>
<td>Dreier</td>
</tr>
<tr>
<td>Duncan</td>
<td>Elrod</td>
<td>Fallin</td>
<td>Fleming</td>
<td>Foxx</td>
</tr>
<tr>
<td>Forsgate</td>
<td>Forbes</td>
<td>Fox</td>
<td>Frank (NY)</td>
<td>Franks (AZ)</td>
</tr>
<tr>
<td>Francels (AZ)</td>
<td>Frelinghuysen</td>
<td>Gallegly</td>
<td>Garrett (NJ)</td>
<td>Gingrey (GA)</td>
</tr>
<tr>
<td>Gohmert</td>
<td>Goodlatte</td>
<td>Gohmert</td>
<td>Goode</td>
<td>Gonzalez</td>
</tr>
<tr>
<td>Graves</td>
<td>Green</td>
<td>Green</td>
<td>Graver</td>
<td>Groves</td>
</tr>
<tr>
<td>Grijalva</td>
<td>Griffith</td>
<td>Griffith</td>
<td>Gruell</td>
<td>Gunter</td>
</tr>
<tr>
<td>Gruell</td>
<td>Guest (TX)</td>
<td>Gwin</td>
<td>Hagedorn</td>
<td>Hall (NC)</td>
</tr>
<tr>
<td>Hall</td>
<td>Hahn</td>
<td>Halperin</td>
<td>Hall (TX)</td>
<td>Hall (VT)</td>
</tr>
<tr>
<td>Hall (TX)</td>
<td>Harkin</td>
<td>Hansen</td>
<td>Harkin</td>
<td>Harsey</td>
</tr>
<tr>
<td>Hancock</td>
<td>Haskins</td>
<td>Hart</td>
<td>Hart</td>
<td>Hasenclaub</td>
</tr>
<tr>
<td>Hasenclaub</td>
<td>哈森克劳布</td>
<td>Hasenclaub</td>
<td>Hasenclaub</td>
<td>Hasenclaub</td>
</tr>
</tbody>
</table>

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Mrs. Bachmann) on which further proceedings were postponed and on which the noes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignates the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded. A recorded vote was ordered.

<table>
<thead>
<tr>
<th>Ayeys</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>145</td>
<td>274</td>
</tr>
</tbody>
</table>

The CHAIR. This is a 5-minute vote. The vote was taken by electronic device, and there were—ayeys 145, noes 274, not voting 14, as follows:

<table>
<thead>
<tr>
<th>Aderholt</th>
<th>Akin</th>
<th>Alexander</th>
<th>Austria</th>
<th>Bachmann</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachus</td>
<td>Barrett (SC)</td>
<td>Bartlett (CT)</td>
<td>Barton (TX)</td>
<td>Biggers</td>
</tr>
<tr>
<td>Bilirakis</td>
<td>Bilirakis</td>
<td>Bishop (UT)</td>
<td>Blackburn</td>
<td>Blunt</td>
</tr>
<tr>
<td>Boehner</td>
<td>Bonner</td>
<td>Bono Mack</td>
<td>Bosman</td>
<td>Boozman</td>
</tr>
<tr>
<td>Bosley</td>
<td>Brady (TX)</td>
<td>Briggs</td>
<td>Brown (GA)</td>
<td>Brown-Waite, Ginny</td>
</tr>
<tr>
<td>Buchanan</td>
<td>Burgess</td>
<td>Burton (IN)</td>
<td>Buyer</td>
<td>Calvert</td>
</tr>
<tr>
<td>Campbell (NY)</td>
<td>Cantor</td>
<td>Carroll</td>
<td>Carper</td>
<td>Casey</td>
</tr>
<tr>
<td>Castor</td>
<td>Cato</td>
<td>Chadwick</td>
<td>Charlie</td>
<td>Chabot</td>
</tr>
<tr>
<td>Chaffetz</td>
<td>Coleman (CO)</td>
<td>Cole</td>
<td>Cone</td>
<td>Conaway</td>
</tr>
<tr>
<td>Culberson</td>
<td>Cummings</td>
<td>Davis (KY)</td>
<td>Diaz-Balart, M.</td>
<td>Dreier</td>
</tr>
<tr>
<td>Duncan</td>
<td>Elrod</td>
<td>Fallin</td>
<td>Fleming</td>
<td>Foxx</td>
</tr>
<tr>
<td>Forsgate</td>
<td>Forbes</td>
<td>Fox</td>
<td>Frank (NY)</td>
<td>Franks (AZ)</td>
</tr>
<tr>
<td>Francels (AZ)</td>
<td>Frelinghuysen</td>
<td>Gallegly</td>
<td>Garrett (NJ)</td>
<td>Gingrey (GA)</td>
</tr>
<tr>
<td>Gohmert</td>
<td>Goodlatte</td>
<td>Gohmert</td>
<td>Goode</td>
<td>Gonzalez</td>
</tr>
<tr>
<td>Graves</td>
<td>Green</td>
<td>Green</td>
<td>Graver</td>
<td>Groves</td>
</tr>
<tr>
<td>Grijalva</td>
<td>Griffith</td>
<td>Griffith</td>
<td>Gruell</td>
<td>Gunter</td>
</tr>
<tr>
<td>Gruell</td>
<td>Guest (TX)</td>
<td>Gwin</td>
<td>Hagedorn</td>
<td>Hall (NC)</td>
</tr>
<tr>
<td>Hall</td>
<td>Hahn</td>
<td>Hansen</td>
<td>Harkin</td>
<td>Hasenclaub</td>
</tr>
<tr>
<td>Hancock</td>
<td>Haskins</td>
<td>Hart</td>
<td>Hart</td>
<td>Hasenclaub</td>
</tr>
</tbody>
</table>

The CHAIR. A recorded vote has been demanded. A recorded vote was ordered.
the ayes prevailed by voice vote.

RICK J. MURPHY) on which further proceed-
ings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

AYES—426

Abercrombie

Ackerman

Acker

Adlert

Akin

Alexander

Andrews

Arcuri

Austria

Baca

Bachmann

Baird

Baldwin

Barrett (SC)

Barrow

Barlett

Bean

Becerra

Berkeley

Berman

Berry

Biggs

Bilirakis

Bilirakis

Bloom

Blumenauer

Blunt

Boebert

Boehner

Bomer

Bono

Bouzaid

Bordallo

Boren

Boswell

Boustany

Boyd

Brady (PA)

Brady (TX)

Braley (IA)

Brennan

Brown (NJ)

Brown

Brown (IN)

Brown, Corrine

Brown-Waite,

Brown, Corrine

Brown-Waite,

Bunch

Bunin

Burr

Burson

Burgess

Bustert

Buser

Buzbee

Cable

Cain

Cains

Carter

Casy

Caulfield

Cato

Capp

Capuano

Cardoza

Carroll

Carson (IN)

Cassidy

Castle

Cassidy

Castle

Cassel

Chaffetz

Chadsey

Chandler

Chapman

Chavez

Chen

Cohen

Conaway

Connelly (VA)

CONGRESSIONAL RECORD—HOUSE

January 15, 2009

Mr. DANIEL E. LUNGREN of Cali-
fornia changed his vote from "no" to "aye."

The result of the vote was announced
as above recorded.

Stated against:

Mr. TONKO. Mr. Chair, on rollcall No. 21, I
was unavoidably detained. Had I been
present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. PAT-
RICK J. MURPHY OF PENNSYLVANIA

The CHAIR. The unfinished business is the demand for a recorded vote on
the amendment offered by the gentle-
man from Pennsylvania (Mr. PAT-
RICK J. MURPHY) on which further pro-
cedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amend-
ment.

The Clerk redesignated the amend-
ment.
Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday, the House is not in session. Monday is the Federal holiday to celebrate the birthday of Martin Luther King, Jr. I might observe, as I am sure all the Members know, that today is in fact Martin Luther King’s birthday, January 15. Extraordinary life. His bust is in the Rotunda. It is a real honor to be able to honor his memory and his vision on Monday.

This is a particularly auspicious recognition of the life of Martin Luther King, Jr. How proud he would be to know that the day after we recognize his birthday, another great American, another great leader and contributor to our country, we will inaugurate the 44th President of the United States of America, an African American; a statement that the dream, although not clearly still fully recognized, nevertheless is a dream shared by all of America.

On Wednesday, Madam Speaker, the House will meet at 12 p.m. for legislative business with votes no earlier than 3 p.m. Let me reiterate that. We will be meeting on Wednesday at 12 p.m., with votes not expected before 3 p.m. Obviously, with the inaugural day, we don’t want to have people have to come in too early, not necessarily because of anything they have to be doing the night before, but because of scheduling they may or may not be here the night before.

On Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected. We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the close of business tomorrow.

In the coming week, Speaker, we will complete consideration of H.R. 384, the bill we were just considering, the TARP Reform and Accountability Act, we expect to complete. We also expect to consider a privileged resolution regarding the Appropriations Committee on the Emergency Economic Stabilization Act of 2008.

Mr. HOYER. I thank the gentleman, Madam Speaker.

And I would like to bring the gentleman back to a conversation that we had last week regarding the SCHIP bill. Because, frankly, Madam Speaker, I’m a little bit concerned that the Democratic majority is not fulfilling President-elect Obama’s calls for bipartisanship. Because I would say to the gentleman, last week you told the House that you were working towards having the SCHIP bill available to us for a full 48 hours before bringing it to the floor; and as the gentleman knows, that did not happen.

And I know the American people are not concerned about the process here in this House, but I do know that the public wants their Congress to function openly. This truly is about bipartisanship and transparency, and I believe that the American people deserve both.

And as we discussed, Madam Speaker, last week, Mr. OBEY, 55 Members of this House. Those 55 new Members had less than 24 hours to review a 285-page bill that spent $72 billion in American taxpayer dollars, and none of these Members were even allowed to offer any amendments.

So I would like to ask the majority leader if he would commit to allowing at least 48 hours for Members and the American public to review bills prior to a vote in the House.

Mr. HOYER. If the gentleman will yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding and I appreciate his observation. I did say we were going to try to give 48 hours. I may have said we were going to give 48 hours, but we did not give 48 hours, the gentleman is correct. The gentleman is correct.

The reason we didn’t give 48 hours is because we hadn’t gotten a CBO scoring, so we were unable to finalize the bill until we got that scoring. We did give approximately 24 hours.

But I say to the gentleman, with all due respect, yes, it was a lengthy bill, but of course the bill had been passed almost in exactly the same form either in the CHAMP bill or in the SCHIP bill itself, so that the overwhelming majority of the text of the bill and the provisions of the bill have been available essentially for over a year.

But having said that, I want you to know and I want to reiterate my intention to give the maximum amount of notice; 48 hours I think is clearly a target that we want to set. I don’t want to make a commitment that we will not bring a bill without 48 hours notice. The gentleman, if you would confer with your predecessors, I would say—sometimes it’s very difficult to do that.

But the gentleman is absolutely correct, not only new Members, but all Members are certainly entitled to have the respect for their view and their opportunity to represent their constituents, to have appropriate notice, and we will certainly strive for that. I’ve reiterated to the committee Chairs and to our leadership that I want to follow the regular order to the extent possible. And when I say the extent possible, we’re in extraordinary times. This did not necessarily relate to the SCHIP bill, other than we had clearly considered the SCHIP bill numerous times in this House, and the overwhelming majority. I don’t know the percentage, but I would say 95 percent of the bill was exactly as we had passed it in either the CHAMP bill or the SCHIP bill. But I am aware of the gentleman’s concerns, and I want to tell him I share his concerns, and we will be working toward the end that he seeks to achieve.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would also ask the gentleman if he would commit to allowing both Republicans and Democrats the ability to offer amendments on a regular basis, especially as, in this instance, when a bill comes to the floor without committee consideration.

Mr. HOYER. I understand the gentleman’s concern. As you know, we are now considering a bill which has both Republican and Democratic amendments very important for accountability and transparency and dealing with mortgage failures in the present bill that’s on the floor. And certainly that will be my objective.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would like to further inquire of the gentleman, along those lines, I know that we now are ‘looking at next week, as you suggest, beginning the legislative process on the consideration of a stimulus bill. And I would note that two of the gentleman’s chairmen, the gentleman from New York (Mr. RANGEL) and Mr. OBEY from the Appropriations Committee have released summaries of the House Democratic economic recovery package. However, both gentlemen have not publicly released legislative texts. And I would say to the gentleman it is one thing for us to have summaries of the bill; it is another when we are contemplating spending $825 billion of the taxpayers’ money as to when the text of a reported stimulus bill could be made publicly available.

Mr. HOYER. I hope and expect the text to be available by the end of business tomorrow. I’m very hopeful that that will be the case.

Again, you understand the practical problems as they are now drafting all of the agreement. But we want it available, and hopefully the text will be available by the end of the week.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I further say that the Appropriations Committee on the Republican side of the aisle are extremely concerned, and they should be, that they will not be given the customary 3 days to review the text prior to any markup, and this is, after all, the committee rule. Our members are being told that today, Friday, and next Tuesday will count as the 3 days required under the committee rules; however, as we all know, on Tuesday almost no one will be allowed in the building due to the inauguration.

So, Madam Speaker, I ask the gentleman from Maryland, the majority leader, in his capacity as the leader and a former appropriator, can he ensure us and ensure the members of the Appropriations Committee that their markup will not begin before next Tuesday?
Mr. HOYER. I thank the gentleman from Maryland, the majority leader.

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20.

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

There was no objection.

TARP—AIG

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, today, the House began consideration of legislation to strengthen the Troubled Assets Relief Program. Implementation of this legislation is urgently needed, and here’s why:

Just last week AIG pulled back on a plan that would have cost taxpayers $93 million. What prompted AIG to cancel its proposal? Three phone calls, each of which came from the Bush administration. They came from myself and Congressman PAUL KANJORSKI of Pennsylvania. AIG is just one example.

Mr. HOYER. The gentleman is correct. In the legislation which was passed pursuant to the request of President Bush and Secretary Paulson authorizing the TARP, they had asked for, as you know, $700 billion in one lump sum. We believe, the majority on both sides of the aisle believe, that that ought to be at least in two tranches, two segments of $350 billion.

So to clarify again, Madam Speaker, I yield to the gentleman to respond to the statement that voting “no” would allow the bailout funds to continue to be spent; is that correct?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman is correct. In the legislation which was passed pursuant to the request of President Bush and Secretary Paulson authorizing the TARP—AIG
The Bush administration has been asleep at the switch throughout our economic recovery efforts. They have failed to monitor the actions of the companies and banks that have received Federal support through TARP; they have failed to place real cation on the excessive pay of corporate CEOs who take taxpayer money; and they have failed to ensure taxpayer-lent funds are being wisely spent.

Starting today our efforts to put our Nation’s economy back on the right track will be in a new direction. With consideration of H.R. 384 and the start of the Obama administration, accountability and oversight will now govern TARP. After 8 years it is a new beginning for our country, and it couldn’t have come at a better time, on the same day the Bank of America is seeking billions more in Federal assistance.

Reform is what the American people deserve because it is their money on the line.

WELCOMING THE IOWA NATIONAL GUARD TO WASHINGTON, DC FOR THE INAUGURATION

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK, Madam Speaker, today, I would like to highlight the special role the Iowa National Guard will play in the historic inauguration of President-elect Barack Obama.

Approximately 1,000 Iowa National Guard troops, including 140 from my district, will join 6,000 other National Guardsmen and women from seven States to assist in the inaugural events. This historic trip to Washington, DC marks the first time in its 170-year history that the Iowa National Guard has participated in a presidential inauguration.

I have had the honor of meeting many of Iowa’s citizen soldiers both at home and abroad, who have responded to natural disasters such as last summer’s floods and abroad in Iraq and Afghanistan. They are some of Iowa’s finest citizens and some of the finest troops in our military services.

I would like to extend a warm welcome to my fellow Iowans as they arrive in Washington. I am deeply proud of the role they will play in this historic event.

National Drug Control Strategy for 2009—Message from the President of the United States (H. Doc. No. 111–7)

The SPEAKER pro tempore laid before the House the following message from the President of the United States.

To the Congress of the United States:


My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 190 American teenagers no longer use drugs. The access to Recovery programs alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

George W. Bush.


Continuation of National Emergency With Respect to Certain Terrorists—Message from the President of the United States (H. Doc. No. 111–8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States.

To the Congress of the United States:

Section 202(d) of the National Emergency Powers Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

George W. Bush.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to introduce the Achievement Through Technology and Innovation Act of 2009.

The 111th Congress begins in an era of continued shrinking school budgets, overcrowded schools, and overextended teachers. On an individual and on a national level, these factors have dire consequences. The individual consequence is that millions of American children may never realize their full potential or the promise of the American dream.

The national consequence is that our country loses the benefits of our children’s talents and their potential to become our Nation’s next generation of leaders in education, science, law, research, economics, engineering and all the key disciplines that have helped to make our Nation the greatest in the world.

While there is no easy or single answer to the complex problems of education in our country, there are steps we can put on the path toward a quality education for all our children. One such step is to make technology literacy a priority and an integral part of every educational system in the country.

From credible studies, we know technology can have a tremendous positive impact on student learning. This is especially evident in low income and minority communities where students are vulnerable to falling behind and learning 21st century skills critical to individual success and to America’s success in today’s world economy.

Whether preparing for college or going directly into the workforce, students are increasingly required to have the high-tech skills employers and the world market continue to demand.

Therefore, it is a tragedy that in the United States today we have high dropout rates that exceed 50 percent and school districts that cannot keep up with the technology needs of their students. Passage of the ATTAIN Act will help us to address these serious problems.

For example, at the School for Global Studies in my district, I had the opportunity to see firsthand the benefits and the life-changing impact teaching with technology has on a child’s life.

While touring the school, I met some of the students who confided that if it were not for the meaningful technology program at Global Studies, they probably would have dropped out of school and ended up in some serious trouble. Instead, these students are excited about learning and excited about their future.

The excitement and the hope students feel at Global Studies is what every child in our country deserves to feel about their education and the promise of their future. The ATTAIN Act will help to make that possibility a reality for all our children.

The ATTAIN Act would amend the Enhancing Education Through Technology program and the No Child Left Behind Act. Currently, the No Child Left Behind Act allocates 50 percent of technology education funds to schools with disadvantaged students through formula grants. The ATTAIN Act would increase that percentage to 60 percent. This funding would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology-based, reform initiatives that have been proven to increase student achievement.

Madam Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to address and to lead our country to meet the challenges of the 21st century. We have already lost the untapped talents of thousands of our young people.

Passage of the ATTAIN Act will help to reverse this tremendous loss of unrealized potential.

I urge my colleagues to cosponsor the ATTAIN Act and help with its passage.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Madam Speaker, there is a lot of talk these days about rescue plans and bailouts and TARP and stimulus packages. Let’s take a minute to reflect on what has happened. Back in October we passed and deployed back last October by the President signed, a rescue plan which created the Troubled Asset Recovery Plan, so-called TARP.

There are those here on both sides of the aisle who believe that that didn’t help, that that didn’t do anything. Well, you are out of credit for bad things that don’t happen.

Let me assure you, Madam Speaker, that the financial system of this country was on the verge of collapse, and we averted that collapse because of two things, because of the unprecedented and aggressive monetary action of the Federal Reserve, but also because of the rescue plan and the TARP that we passed and deployed back last October.

Now, you say, however, you averted financial collapse, but what’s going on now? Look at unemployment, look at the economy.

We were trying to avoid then was literally the collapse or the lack of function of our financial system and our financial structure. It was about to implode and to stop working at all.

It is still working, not as well as it should, not normally, but it is still working, and it gets a little better every day.

But we knew at the time, and said at the time, that the damage that had been inflicted at that point was going to 10 recessions do, employment and start to affect economic growth, and, in fact, it has.

We now know that millions of people have lost their jobs, lost their homes, or lost their businesses. More people are losing their jobs, their homes and their businesses every day.

The economy continues to sink and we don’t know where the bottom will be. We can’t see it at this point.

So what are we doing now? What is the purpose of all this economic discussion we are having now? Just one thing, we can’t stop the recession, it has already happened, we are already in it.

We can’t retroactively go back and get the homes and the jobs in the businesses that have already been lost.

But what we do want to do is to make this recession as short and as shallow as we can. If we do nothing, the recession will end at some point, as all recessions do.

But if we can have it end sooner and save millions of people their jobs, their homes or their businesses, then we should do so.

I believe we should act, and the first thing we should do is to continue the successful TARP program.

Now, some people say, well, it wasn’t successful, because, look, we invested all this money in banks and they haven’t started lending. In fact, much of the reason that they haven’t started lending is because the financial condition of the banks is much worse than we all thought they were back last October.

The money the banks got from the Federal Government merely enabled many of them to keep their current functions, but not to expand lending.

The additional money, which I think should be leveraged with private capital, in other words, a bank should only get future Federal Government TARP money if they go out and raise a matching amount of private capital so that we get more and more money in the financial system, such that they can have the capital from which they can begin to lend again.

So what are we doing now? What is the purpose of all this economic discussion we are having now? Just one thing, we can’t stop the recession, it has already happened, we are already in it. We can’t retroactively go back and get the homes and the jobs in the businesses that have already been lost. But what we do want to do is to make this recession as short and as shallow as we can. If we do nothing, the recession will end at some point, as all recessions do. But if we can have it end sooner and save millions of people their jobs, their homes or their businesses, then we should do so.
And then there is the talk of a stimulus package, and I think we should have one. Again, I think the consequences of inaction are going to be very severe on this economy.

But there is one thing that the stimulus package should do. It should actually stimulate the economy, and do it quickly. If we wait a year or 18 months, the economy will probably find its own bottom. It will be a bad one, but it will find its own. What we need to do is things, stuff, that will take effect and have an impact in the next 6 months, largely, 1 year at the most, so we can prevent the loss of as many jobs and homes and businesses as we can.

Now, many people on both sides of the aisle are bringing up the same things and priorities that we all do, and that is great. I am a Republican. There is lots of tax cuts I like as a Republican. I know there is a lot of spending that Democrats like, and there is good arguments to do some of both. But you have a person who has pneumonia, and if you say you should eat right and exercise, yes, you should. Eating right and exercise is always good. But if you have pneumonia, you need antibiotics, and telling the patients and exercising won’t cure their pneumonia, and we need to cure the pneumonia first before we can eat right and exercise.

So we need things that are directly targeted towards the next 6 months in creating jobs, and one of the things I think we should do is look at the demand side of things. People are scared. People are afraid. Even people with jobs, with plenty of security. We should be stimulating people to buy homes and cars, and doing it quickly.

FORENSIC ACCOUNTING OF WALL STREET BANKS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I am glad I was here on the floor to respond to the prior Member who felt compelled to say that he thought the Wall Street bailout was working. I would like to know what evidence he has to prove that, since we have no forensic accounting of what the Wall Street banks that got all this money did with the money. We have had some special access inside these institutions and can provide it to the RECORD, because I will tell you what happened yesterday.

I went before our Rules Committee and I proposed a very simple amendment. My amendment was that before we give one more dime of the people’s money, we require the Treasury to do a forensic accounting of every bit of money that was sent up there to Wall Street. And I was denied my amendment.

There is no Member of this Congress that can say with accuracy, including the gentleman who just spoke, that he knows where the money is, because, you know what? They haven’t told us. All you know is what you have read in the newspapers, and how can we extend more money from the American people when we don’t even know what happened to the money that went out the door?

So you can say whatever you want and create a fiction, but the fact is that foreclosures are going up across this country. That bill that was passed last year was supposed to help people hang onto their homes. In Ohio, foreclosures have gotten worse every month.

What I am telling people right now is, stay in your homes. If the American people, anybody out there is being foreclosed, don’t leave, because I will tell you what. If you had a smart lawyer like those banks up there on Wall Street can get, they would take you into court and they couldn’t find the mortgage. They couldn’t find the mortgage.

So why should any American citizen be kicked out of their homes in this cold weather? In Ohio it is going to be 10 or 20 below zero. Don’t leave your home. Because you know what? When those companies say they have your mortgage and you can’t find your lawyer that can put his or her finger on that mortgage, you don’t have that mortgage, and you are going to find they can’t find the paper up there on Wall Street.

So I say to the American people, you be squatters in your own homes. Don’t you leave. In Ohio and Michigan and Indiana and Illinois and all these other places our people are being treated like chattel, and this Congress is stymied. We have the worst economic crisis since the Great Depression and our committees are muzzled. Power is given to one chairman or one person.

We are all equal here. We have a right to be heard. The concerns of our constituents have a right to be registered in the committees of this House, not choked down as what is happening here today. It is just a tragedy. And if we don’t fix the economic cure, it is going to get worse, and the cure is to go after the home foreclosure crisis.

Who does that? Treasury? No. That is absolutely the wrong place. We need the Federal Deposit Insurance Corporation and the Securities and Exchange Commission empowered to do the real work and to get this crisis across this country. Those are the normal institutions that are used. And then you have got HUD there now with FHA that can take these mortgages once they are refinanced. But that is not what is happening across our country. There is no one that has any system in the form of massive institutional knowledge that can help for the homeowner. That whole section they talked about today, Help for Homeowners over at HUD, nobody has even benefitted. We said last year they wouldn’t, and that is exactly what has happened.

So I say to the American people, stay in your homes. You have earned them. And don’t you get out until you get a really good lawyer who can find your mortgage up there on Wall Street. Because, you know what? They won’t be able to find it, and therefore they can’t prove you should be evicted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I am pleased to have the opportunity to speak on an amendment that I feel is very important.

When the Well Runs Dry: A Bipartisan Approach to Entitlement Reform

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, our financial situation is at a critical mass. Everywhere you look, everything you read, more bad news, no end in sight. Of massive budget shortfalls President-elect Obama has said, “If we do nothing, we will continue to see red ink as far as we can see.”

Last week, the Congressional Budget Office projected the Federal budget deficit will balloon to $1.2 trillion this fiscal year, and that does not include the economic stimulus package proposed by the incoming administration. These staggering numbers are deeply troubling today and pose a dire choice for our children and our grandchildren.

Simply put, our Nation is slowly going broke. Without a change of course initiated by Congress, we will follow what Comptroller General David Walker characterized as a financial “tsunami strong enough to swamp the ship of state.” It will sweep our children and our grandchildren off their feet, leaving far less opportunity for future generations.

Out-of-control spending is not just an economic issue, it is a moral issue also. Is it right for our generation to live very well, knowing that future generations of Americans will inherit a broken system in the form of massive debt, Social Security and Medicare obligations, unsustainable spending and commitments that cannot be kept?

Entitlement spending has such a tight grip on the rest of the Federal Government that every day the 111th Congress walks to its another day that vital discretionary programs, domestic and international, are in jeopardy. That is what we are facing today.

Everyone, whether you are a Republican or Democrat, should be alarmed. As parents and grandparents, we should care that without adequate resources our children won’t receive the first-class education they need to compete in the global market. Already the tests show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

People should care that scientists at the National Institutes of Health who...
Mr. GEORGE MILLER of California. Madam Speaker, I rise today to express my deep concern over the increasingly grave situation in the Gaza Strip and to express my disappointment that Congress has not spoken more clearly and forcibly in favor of a cease-fire. The latest fighting between Israel and Hamas has led to a humanitarian crisis. According to news reports, quoting various official sources on both sides of the battle, the impact on civilians in Gaza is severe and growing worse.

Madam Speaker, I support the right of Israel to defend itself and its people, and, like my colleagues, I strongly denounce Hamas' ongoing indiscriminate destabilizing rocket attacks against civilian populations in southern Israel and Hamas' clear intent to terrorize the people of Israel. In no uncertain terms, I call on Hamas to end its rocket attacks against Israel immediately.

But I also believe in no uncertain terms that a cease-fire between Hamas and Israel and it must commence immediately. The loss of life to children and their families, the vast destruction of homes and the enormous suffering in Gaza that is being caused by the escalation of this conflict must end.

Last week, the House spoke out on this latest conflict in the Middle East by passing H. Res. 34 that "recognizes Israel's right to defend itself against the attacks from Hamas, reaffirms the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process."

I was disappointed that, as this body has done so often in the past, the House voted only to reiterate its support for Israel and its right to defend itself, rather than also to have used our considerable influence to pressure both sides to agree to a cease-fire in order to protect civilians on both sides caught in this conflict. I urge the House to work toward a lasting resolution of this conflict that will lead to the protection and security of Israel.

I support much of the language in the resolution, but I regret that H.R. 34 in its entirety was not a correct statement for the House to make at the time. The question for the House and the international community is how the Israeli people will be able to live in peace and security without the constant threat of attack from Hamas and others and how the United States and all other nations can assist in achieving that outcome in a lasting manner.

The House has not weighed in on this question. The House of Representatives should throw its considerable weight behind the call for an immediate cease-fire between Israel and Hamas. The cease-fire is in the best interests of Israel and the United States.

The fact is that there has been a failure of political leadership that has led to this renewed and devastating fighting in Gaza. The Bush administration failed to adequately and successfully address the Middle East conflict during its time in office and during the time in which we knew the cease-fire was coming to an end, and conditions might have been changed so that it could have been extended.

The international community has failed to adequately address the conflict between Israel and Hamas. Experts in the Middle East had warned that a conflict of this nature would eventually come, and will continue to come in the future if conditions on the ground do not change. Their warning went unheeded, and now a new and costly war has broken out.

Hamas rocket attacks against Israel are indefensible. But neither can the disproportionate military response by Israel be defended. The latest fighting was preceded by a lengthy and crushing blockade by Israel of Gaza that caused an humanitarian crisis. Hamas, unfortunately, chose to break the cease-fire and continue shelling of Israel. And Israel chose the breaking of the cease-fire to launch, as it should have, a defense of Israel, but unfortunately, with an all-out attack on Gaza.

Lost in all of this is the answer to the question of how the Israeli people can be assured the protection they deserve. The rocket attacks against Israel continue, albeit lessened now, despite the enormous firepower brought against Hamas by Israel. There is no clear answer as to how Israel will bring this conflict to an end in Gaza or clear what Israel's ultimate goals are in this conflict.

Only a cease-fire and a new international commitment to negotiate a cessation of hostilities between Hamas and Israel can protect the people of Israel.

Ms. WOOLSEY of California. Madam Speaker, like every Member of the Congress, I am conscious of the economic stimulus being shaped by the administration offers an opportunity, and I have a bipartisan bill, eight Republicans and eight Democrats, that puts all spending on the table and forces, and forces the Congress to act.

Many Members of the Congress go home and love to give the speeches at the Rotary Clubs talking about how we will come back to Washington they do nothing about it. So next week, Madam Speaker, I will offer an amendment in the nature of a motion to put the Cooper-Wolf language into law whereby we can get control of this runaway spending.

Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

END TO FIGHTING IN GAZA STRIP NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.
In addition to his tireless dedication to his patients, Dr. D has been an activist in his community, frequently speaking out on local, State and Federal issues, on issues near and dear to his heart such as affordable health care, lower taxes, and improved infrastructure. He also remained active in his church, St. Nicholas Greek Orthodox Church, and also various civic organizations such as AHEPA.

Madam Speaker, Dr. D is a rare breed of physician and humanitarian. Many describe him as a dedicated doctor, but his practice embodied all that was and is still good in medicine, the strength and importance of the relationship between a primary care doctor and his or her patients.

That tiny hospital where he was born and started his medical career was the same one he retired from this past September of 2008. Now known as Helen Ellis Memorial Hospital, it has grown to a 168-bed facility with 336 staff physicians, a legacy of Dr. D.

Madam Speaker, I can only think of one word to describe Dr. D—axios. I yield back the balance of my time.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan

WHO'S GOING TO SPEND THE MONEY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of my dear friend, Dr. Themistocles "John" Diamandis, endearingly known as Dr. D.

Dr. D was born on April 11, 1929, in Tarpon Springs General Hospital in Tarpon Springs, Florida. It was a foreboding that Dr. D started off life in that tiny, 12-bed hospital. He started off his medical career in 1961 at Tarpon Springs General Hospital, where he was one of three doctors on staff. He spent the next 47 years as a dedicated general practitioner there.

He earned a pharmacy degree from the University of Florida in 1951. Prior to medical school, he worked as a pharmacist at Webb's City in St. Petersburg, Florida. He earned a medical degree from the University of Miami in 1958. While in medical school he worked at Walter Reed Army Medical Center and served his country in the Army during the Korean war.

A proud member of the Tarpon Springs community Dr. D cared for generations of Tarponites, including the pioneers of the Tarpon Springs sponge industry.

He started his career with his assistant, Caly Castoulis, who remained with him, amazingly, for 47 years, until his retirement. He opted not to hire nurses, preferring to spend as much time himself with each patient by taking, for instance, each blood pressure reading himself. While he often ran late having meaningful discussions with his patients, I can attest to that, others were happy to wait their turn for him, knowing that they would be the subject of his extra care and attention.

Dr. D was always on call for his patients, day or night. He is known for making late night and weekend house calls. Before going to bed each night, he would check in on his patients at home or at the hospital, amazingly. He never failed to treat a sick person, and never asked if they had insurance. Sometimes he was paid only with a hot meal or a Greek pastry after a house call.

As a matter of fact, Dr. D was a mentor to my brother, Dr. Emanuel Bilirakis.
But I just submit, Madam Speaker, if this continues, and I keep being shut out on getting this idea from the people for the people by the people, and the votes keep being that we can’t bring a bill like that to the floor for a vote, it may be, come November of 2010 that they will say, you need to elect somebody that will do what needs doing and not helping their cronies.

Oh, yes, we heard, well, the leadership over here in the House has the idea for this great TARP money. We’re going to put it to infrastructure. Oh, yeah. Well, apparently the bill being proposed only has 5 or 6 percent for infrastructure.

You let people have their own money, you let them spend it where they need spending, the money will be in the economy, the economy will increase, and everybody will be better off and the people will have heard from us as they wanted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Kucinich) is recognized for 5 minutes.

( Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the previous 5-minute Special Order in favor of Mr. Poe of Texas is vacated.

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LAST STAND FOR RAMOS AND COMPEAN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Texas (Mr. Poe) is recognized for 60 minutes as the designee of the minority leader.

Mr. Poe of Texas. Madam Speaker, in the dusty, arid plains of West Texas, where the tumbleweeds blow across the prairies, there’s a small town called Fabens. Fabens, Texas, a population of about 8,000, mostly lower-income individuals, but they’re doing what they can to eke out an income out of the land that they work.

On February 17, 2005, almost 4 years ago, these events took place. A drug dealer by the name of Aldrete Davila came across from Mexico, which is six miles from Fabens, Texas, right here on the map. He’s driving a van. He has about $750,000 worth of narcotics in that van. And of course, he’s smuggling drugs into America; something that occurs along the entire Texas/Mexico border.

He’s confronted by one of our first responders, Border Security Agent Jose Compean. Border Agent Jose Compean does his job, and he gives chase to this drug smuggler in the van. Aldrete, the smuggler, turns his van around, tries to head back to Mexico with his cancer that he’s sold in the United States. He abandons his vehicle. He gets down in the river bed between Mexico and Texas in the Rio Grande Valley, and he has a fight with Jose Compean.

Another border agent by the name of Ignacio Ramos shows up and meets the call for help to stop this drug trafficker into the United States. Meanwhile, a fight ensues between the drug dealer and Border Agent Compean, and Compean is left in the river bed, bleeding, while the drug dealer runs back to Mexico.

Ignacio Ramos, border agent, sees what’s taking place. He sees the drug dealer, in his opinion, with a weapon, keeps turning back like this, and he fires his weapon.

And the drug dealer disappears. Unbeknownst to all of us, there was another vehicle on the other side of the border, waiting to pick him up and take him back to wherever he came from.

Jose Compean and Ignacio Ramos, border agents, at the time they pick up the shells that are fired, they don’t immediately report the events, and nothing occurs until the following takes place:

The drug dealer goes back to Mexico. It turns out that he was wounded. He was shot in the buttocks. Without being too graphic, the bullet went in one cheek as if he were pointing his weapon when he got shot.

But be that as it may, in some way, the U.S. Government gets involved. It goes to Mexico. It finds the drug dealer and says, “Looky here. Have we got a deal for you. All you’ve got to do is come back to America and testify against those two border agents for a civil rights violation,” or whatever we charged them with, “and we will treat you for your wounds, and we will give you a pass to go back and forth across the border, and we will not prosecute you for bringing drugs into the United States.”

So, months later, that immunity deal is struck, and the border trespasser—smuggler—gets a deal, a backroom deal, a deal to testify. In my experience as a former judge and prosecutor, unfortunately, when you make a deal with a criminal, you usually get the testimony you want.

What happened was they were waiting to bring these two border agents to trial on numerous charges, but remember, all they did was fail to report the fact they fired their weapons. Not, unfortu-nately, when you make a deal with a criminal, you usually get the testimony you want.

When they were given immunity, they were still not wanted the jury to know the truth, they were not. They were waiting to testify after they were given immunity, they were still bringing drugs into the United States.

Wouldn’t you want to know that, while the drug smuggler was out on this get-out-of-jail-free card, to our government, he was still smuggling drugs into the United States.

In October of 2005, lo and behold, Aldrete brings another load of narcotics into the United States. At first, our government denied that they knew anything about that, but I ended up receiving a copy of the DEA report, which showed specifically that Aldrete was bringing in drugs while he was out on this get-out-of-jail-free-card.

So the trial takes place after it is postponed. In March of 2006, these two border agents are tried. They are convicted. The jury never knows that the shrink—the witness—the government’s bought-and-paid-for witness—brought in another load of drugs. The U.S. Attorney’s Office convinced that judge from keeping that testimony from the jury.

Now, the main witness the government had against the two Border Patrol Agents was this witness, the drug smuggler who was given a deal to testify.

Now I ask you, Madam Speaker: If you were on a jury and you had to decide if a person was telling the truth, wouldn’t you want to know that, while they were waiting to testify after they were given immunity, they were still bringing drugs into the United States?

Wouldn’t you want to know that to judge whether or not this witness is telling you the truth or not?

I think, probably, you would want to know that, and I think that’s probably the reason the government kept that testimony from the jury, because they didn’t want the jury to know the truth about their witness.

In any event, the witness testifies.

The border agents are convicted; they are found guilty, and are sent to the federal penitentiary for 11 and 12 years. Under federal law, they will serve most of that time.

This case sort of disappeared from the radar until people started talking. The news media even brought this case up. A reporter by the name of Sara Carter has been following this case since the trial. Thanks to her and to other people in our national media, this is still being discussed by not only Members of Congress but by the public throughout the country.

Since I, really, have almost no life, I read the 3,000-page transcript of the trial, so I know what the jury heard. I read it. In September of 2006, long after
the trial and the transcript was prepared. Members of Congress started asking questions about: Well, was this really the right thing to do, to prosecute the border agents? Maybe we were on the wrong side of the border war. Maybe by having to prosecute the smuggler, the drug dealer. Maybe we ought to have been doing that. So questions were being asked.

Several of us met with the Department of Homeland Security’s inspector general’s office to try to find out exactly what happened down there in Fabens, Texas in February of 2005. The transcript hadn’t been produced yet, so we couldn’t read it. So we met with these individuals, and they told us the following:

Well, these Border Patrol Agents are rogue cops. They’re just bad guys, and they knew that the suspect was unarmed when they shot him. They went out that day, intending to shoot illegal aliens coming into the United States, and they didn’t believe that this drug dealer was a threat to them when they fired.

Now, that’s a different kind of story than what I’ve just told you. So we took the word because we know you’re not supposed to lie to Members of Congress. It’s kind of against the law in the United States.

After we got the transcript, after we did more investigation, we learned that Ramos and Compean, the Border Patrol Agents, did believe the drug smuggler was a threat. They did believe that he had a weapon, and they never said they went out that morning with the intent to shoot some illegal coming into the United States.

Now, as a side note—a little rabbit trail here—that occurred in September of 2006. I and several others have asked our government to investigate those government officials who came to the Members of Congress and misled us. Of course, nothing has happened to those individuals. They just sort of went away, you know.

But back to the case. Now that we had the transcript, now that we’d read the transcript of the trial and we’d found out exactly what had happened, many of us in Congress had felt that what had occurred in this trial wasn’t the appropriate thing to do and that the way the two border agents were treated wasn’t really the most appropriate way to be treated.

So, in October of 2006, Ramos and Compean were sentenced to 11 and 12 years in the Federal penitentiary. While in prison, Border Agent Ramos was assaulted. Both of these agents have spent much of their 2 years now—in solitary confinement. Solitary confinement in our Federal penitentiaries is reserved for the meanest criminals we have in our culture, in our society. Yet border agents go into solitary confinement for allegedly their own protection. Yeah, right.

Anyway, they’re serving their time, but this case does not go away. In July of 2007, because so many of us on both sides of the aisle were concerned about justice, I introduced legislation, saying exactly that no Federal funds will be used to incarcerate Ramos and Compean. In other words, the Federal penitentiary cannot use taxpayer money to incarcerate these border agents. That legislation passed this House unanimously in 2007 by vote. There was not one dissenter on either side of the aisle because Congress, the House portion of Congress, said it’s just not right. They shouldn’t be incarcerated.

As all of you know, what we do when we pass legislation is we send it down to the Senate. That bill, like many other bills, never got voted on by the Senate, so both of the individuals stayed in prison.

Before they ever got to trial, Ramos and Compean were offered a deal by our government. It’s not unusual in criminal cases. They were told, if you plead guilty to these violations, you’ll get you one year in the Federal penitentiary for what you did out there in Fabens, Texas. Now, if you don’t plead guilty, well, we’re going to go to trial, and we’re going to try to get you more time in the penitentiary.

So the Federal Government initially thought that the case was worth 1 year in the Federal penitentiary, but because Ramos and Compean, citizens of the United States, exercised their right under the Constitution to have a jury trial, they were punished for the right to be tried before a jury. The Federal judge then gave them 11 and 12 years after the jury convicted them.

I don’t think that people charged with crimes should be punished for exercising their right, their constitutional right, to ask for a jury trial. In any event, the case continues to this day.

What has the effect of it been on our Border Patrol Agents? Well, let me tell you. I’ll give you an example.

Luis Aguilar, a Border Patrol Agent assigned to the Tucson office, was in California recently on border patrol, trying to catch the bad guys. Two vehicles, a Humvee and a pickup truck, come across the Mexican border into the United States. He and other Border Patrol Agents give chase to this Humvee and to this pickup truck. The Humvee and pickup truck see the good guys, and likely they won’t run, they try to run from the good guys. They turn their vehicles around and head to Mexico.

Luis Aguilar from Tucson, Arizona, Border Patrol Agent, what did he do in front of those vehicles at some distance and throw out those spikes—where if a car or a vehicle runs over the spikes, they blow out the tires—to stop the bad guys from going back to where they came from. Rather than go over the spikes, the guy in the Humvee jumps off the road and runs over the spikes. The Humvee and Aguilar and kills Luis Aguilar, Border Patrol Agent. Then he flees off, back into Mexico, along with the pickup truck.

Where he is today, that individual, we know not.

Now, you know, the Border Patrol Agents are nervous about using their weapons. The reason they’re nervous about using their weapons to protect our country of our taxpayers to capture the bad guys who come into the United States is due to cases like Ramos’ and Compean’s. When these Border Patrol Agents fired their weapons, they were prosecuted instead of the drug smuggler. So that makes Border Patrol Agents hesitate.

I’ve heard that the Border Patrol policy is they can’t fire their weapons unless fired upon. Now, anybody who has ever been in law enforcement, anybody who has ever been in the military knows that’s a bad idea. I can’t fire to defend myself unless somebody shoots at me! I can’t stop someone who is pulling out a gun? Apparently not. Luis Aguilar is just one example.

I’ve talked to Border Patrol Agents all the way from Brownsville, Texas, to San Diego, California, and they tell me, “Hey, when we’re in that situation, we really don’t want to use our weapons even though we can, even though it is the right thing to do, because our government doesn’t back us; they back the other side.”

Sheriffs along this entire area here that I have mentioned—from Brownsville to San Diego—the Border Patrol Sheriff’s Association, are of all races, and they’re of both political parties, and they tell me they’re concerned about border security, and they tell me the same thing: “We are hesitant to use our weapons in these cases even though, under State law or even Federal law, we’re permitted to do it, because our government is not going to stand beside us. They’re going to stand beside the drug dealer.” So that’s the chilling effect.

But whatever happened to Aldrete, the drug smuggler? Remember, he got that second case that second case when he brought drugs into the United States while he was waiting to testify. It’s the one that the Federal Government denied, really, ever occurred until he finally had to admit it because we saw the evidence of the DEA report.

Well, he ended up getting prosecuted for that. The U.S. Attorney’s Office finally prosecuted him but not after the taxpayers of the United States treated his wounds in El Paso, Texas, not after he filed a $5 million civil rights suit against the United States Government. He brings drugs in. He finally gets prosecuted. Now he is in a Federal penitentiary, ironically, doing less time than the Border Patrol Agents.
Now, we've heard a lot about this case. A lot of Members of Congress have got involved, the American public has got involved. Over 400,000 Americans have sent petitions to the White House asking for relief; 70,000 of those petitions are from the State of Texas, where citizens are very much concerned about what they believe is the unjust incarceration. And this has continued.

When I go back to Texas, which I do every weekend, I still have people, regular folks, ''What's happened to those two Border Agents Ramos and Compean?'' And I'm surprised to some extent because the American attention span is about ''that'' long. You know, we hear something in the news and we move on, something else happens the next day. But this has been going on now for over 2½ years. And yet the American public is still very concerned. They still tell us about it.

I don't know why these two Border Patrol agents were relentlessly prosecuted but they were. I don't know why they made a backroom deal with the drug smuggler Aldrete, but it did happen.

This is not a pleasant place to be on the southern border with our neighbors in Mexico. It's a violent place. It's violent because of the drug smugglers coming into the United States. We hear about all of the murders on both sides of the border because of the drug cartels, you know, people like Davila who brings these drugs into the United States. He and his comrades are the reason there is so much violence on this entire border.

Good people on both sides of the border live in fear every day because of the drug cartels and the problem that occurs there.

I was down recently on the Texas-Mexico border, and I was asking a Texas Ranger—I won't mention his name—I was asking a Texas Ranger, I said, hey, I got a tip down here on the Texas-Mexico border at night?" And he said, ''Congressman Poe, it gets western. It gets western down here.''

Now, what he was saying was people start shooting. They start shooting at us on this side of the border. We know of incursions from the Mexican military that have come into the United States, supposedly rogue Mexican military helping the drug cartels move drugs into the United States. He's a Border Patrol agent who's been down here on the Texas-Mexico border, along the entire southern border, because of the drug cartels.

So what we have done, as a culture—since we have a great appetite for, unfortunately, drugs in this country—we've sent some good people down there to protect us, the Border Patrol agents, and, of course, the local sheriffs. And they're doing what they can to protect us. And yet when they get in a fix, our government sides with the bad guys.

So chilling effect on our border agents and our border protectors? You betcha. You betcha. Because those individuals who protect us are concerned about what happens to them if they, in a split-second decision, have to make a choice of what to do to protect us. And if they make the wrong choice—or at least the wrong choice in the eyes of our government—they're going to get punished. That's what happened.

Don't get me wrong, Madam Speaker. I have no sympathy for criminals. I've always been in law enforcement. I spent 8 years prosecuting criminals in Houston, Texas, and then I was on the bench for 10 years prosecuting outlaws. And I tried a lot of cases. I heard about 25,000 criminal cases during that time. And I tried people who shot police officers, and I tried police officers that unjustly shot citizens. So I have no stake in this except justice ought to occur in this case. I have no sympathy for criminals: police officers or otherwise.

But in this case of Ramos and Compean, we've asked for a pardon. The President of the United States of America has the absolute right under our Constitution to pardon any individual. I carry this little pocket Constitution around with me, as most Members of Congress do, and read it from time to time. But there's a section that's been put in the record: Article 2, section 2 of the U.S. Constitution talking about the power of the Presidents of the United States.

"He shall have the power to grant reprieves and pardons for offenses against the United States."

Now, you notice he doesn't have to get permission from some committee; he doesn't have to get approval from the Justice Department. Now, he certainly can get recommendations from anyone he chooses. He can have a committee make recommendations. But the Constitution doesn't give him that obligation. He can pardon anybody, and he doesn't ever have to tell the reason. The Constitution doesn't tell the President to pardon these two individuals. I've known the President a good number of years. I respect him greatly. On this particular issue, I hope and would wish he would exercise the power that he has under the Constitution. His reasons for not doing so are his own, and I respect that as well.

So now we're asking that the President, before he leaves office in the next 5 days, commute the sentences of these two Border Patrol agents.

Assume the facts as presented by the government, are true because the case has gone through the appellate process and has been ruled on by other judges. Assume everything is true. They've served over 2 years in the Federal penitentiary, both of these individuals. I've talked to their wives, their kids, and it is time for these two Border Patrol agents to go home.

So we're asking the President to reduce the sentences to 5 years, commute the sentences. Commute them for the time served and let them out of the Federal penitentiary and maybe we can get a photograph of them leaving instead of going into the penitentiary.

And that's what we're asking the President, in all due respect, to do.

And I would say this: I have been very outspoken on this issue. Members of Congress on both sides have been very outspoken on this issue. And I would hope that the President, if he's irritated at me or other Members of Congress who have been outspoken on this, that in all due respect he not take it out on them. Because we're the only voice these two individuals have: Members of Congress.

So be mad at me, be irritated at me, but don't take it out on these two individuals. Commute these two sentences.

Apparently I'm going to be the last Member of Congress that will speak on this House floor officially before President Bush leaves office next Tuesday. As I am speaking before this body, another member of the Texas delegation, JOHN CULBERSON, is walking down Pennsylvania Avenue in this 28-degree weather and he's carrying a letter, one of similar letters that have been sent to the President by Members of Congress asking for a pardon or a commutation.

This letter that will be hand delivered to the White House this afternoon by the time I finish speaking is signed by 30 members of the Texas delegation. And in the Texas delegation, as most folks know, we cover the political bases from the far right to the far left. But yet 30 of us, the 32, have agreed these individuals need to be having their sentence commuted.

Also signing this letter are the two U.S. Senators from the State of Texas asking that the President, in his compassion, commute the sentences of Ramos and Compean.

You know, as I mentioned, I have the utmost respect for President Bush. When he was a governor and his 8 years in office. But I hope he would give this case some extra thought and exercise his constitutional right. And why do I ask him to do that? Because it seems like it's the right thing to do. It seems like justice. And you know, justice is what we do in this country.

After we cut through all of the smoke, at the end of the day we want justice to prevail in every situation because justice is the one thing we should always be able to agree on. And in this justice was allowed to be in the Constitution under the Pardon Clause giving the power to the President to make that decision, the clause to commute the sentence giving the power to the President because sometimes the President just needs to intervene to make sure justice, at the end of the day, is what we find.

I hope the President considers this commutation, considers what Members of Congress and the thousands of Americans who have asked that this case be resolved in a way that these two individuals can be released and go back home to their families in a just way.
And that’s just the way it is.

CONGRESS OF THE UNITED STATES.

Hon. GEORGE W. BUSH.
The White House.
Washington, D.C.

DEAR PRESIDENT BUSH: As Members of the Texas Congressional Delegation, we are writing to ask for your personal intervention to commute the sentences of U.S. Border Patrol Agents Ignacio Ramos and Jose Compean.

As you are aware, these two agents were prosecuted and convicted for shooting an illegal immigrant drug smuggler in Texas near the border with Mexico and were each sentenced to prison. Ramos and Compean have been incarcerated since January 2007 and in that time, Ramos has been assaulted in prison and both men have been placed in solitary confinement because of the danger they face as a result of their law enforcement backgrounds.

Many of us have written to you over the past few years with concerns about this case, and as your administration comes to an end, we respectfully request that you use the exclusive authority given to you under Article II, Section 2 of the Constitution. We appeal to your good reason and sound judgment as the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:
Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba’s destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

AGREEMENT ON MUTUAL FISHERIES RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Natural Resources:

To the Congress of the United States:

In light of the importance of our fisheries relationship with the Russian Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.


CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DO. NO. 111-9)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:
Mr. SESSIONS (at the request of Mr. BOEINER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
Mr. CUMMINGS, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.
Mr. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. KUCINICH, for 5 minutes, today.

The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:
Mr. POE of Texas, for 5 minutes, January 22.
Mr. JONES, for 5 minutes, January 22.
Mr. BLIRAKIS, for 5 minutes, today.
Mr. GOMMERT, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, January 21 and 22.

ADJOURNMENT

Mr. POE of Texas, Madam Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 3 o’clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 16, 2009, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications, pursuant to Section 158 of the Act of October 31, 1913, were referred to the Speaker’s table and referred as follows:
115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System’s final rule — Home Mortgage Disclosure [Regulation C; Docket No. 1341] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.
117. A letter from the Secretary, Federal Trade Commission, transmitting the Commission’s third interim report on an ongoing study of the accuracy and completeness of financial services companies’ credit reports or alternative credit reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information, pursuant to Section 505 of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.
118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department’s report on the Community Services Block Grant for fiscal year 2006, pursuant to Section 674 of the Community Services Block Grant Act; to the Committee on Education and Labor.
119. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 301(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.
120. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 301(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2001, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.
121. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 301(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and
pursuant to Executive Order 13313 of July 31, 2006, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process, as declared, pursuant to Executive Order 12947 of January 23, 1995, to the Committee on Foreign Affairs.

122. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

123. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

124. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department’s report on competitive sourcing for fiscal year 2008, pursuant to Public Law 106-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

125. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department’s report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 106-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

126. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

127. A letter from the Director, Executive Office of the President, Office of National Drug Control Policy, transmitting the Fiscal Year 2007 Performance Summary Report, pursuant to Public Law 105-277, section 705(d) of Division C-Title VII, to the Committee on Oversight and Government Reform.

128. A letter from the Acting Administrator, General Services Administration, transmitting the Administration’s report on fiscal year 2008 competitive sourcing efforts, pursuant to Public Law 106-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

129. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration’s report on fiscal year 2008 competitive sourcing activities, pursuant to Public Law 106-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.


131. A letter from the Secretary, Smithsonian Institution, transmitting the Institution’s report for FY 2008 on competitive sourcing activities, pursuant to Public Law 106-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

132. A letter from the Director, Trade and Development Agency, transmitting the Agency’s fiscal year 2008 annual report; to the Committee on Oversight and Government Reform.

133. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Reallocating Pacific Cod in the Bering Sea and Aleutian Islands Management Area (Docket No. 071106673-8011-02) (RIN: 0648-XM17) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

134. A letter from the Secretary, Department of Health and Human Services, transmitting the Department’s eighth annual report — Protecting America’s Health: Needy Families Program," pursuant to Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.


138. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service’s final rule — Calculation of Volume of Alcohol for Fuel Credits; Denaturants (Notice 2009-06) received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


140. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service’s final rule — Determination of Applicability to an Exempt Organization (TD 9442) (RIN: 1545-BA11) received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. MCMAUL, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MARKEY of Massachusetts, and Mr. SHERMAN):

H.R. 547. A bill to amend the Atomic Energy Act of 1946 to require congressional approval of agreements to peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. BROWN of South Carolina, Mr. ISAAC, and Mr. GORMAN of Pennsylvania):

H.R. 548. A bill to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and promoting historical sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H.R. 550. A bill to amend the Federal Housing Administration’s Federated Housing Program Act of 1934, as amended, to require the Secretary of Housing and Urban Development to set aside a portion of funds for projects to be located in communities of the District of Columbia.

By Mr. MANZULLO (for himself and Mr. UPON):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a temporary credit against income tax for the purchase of certain vehicles; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 551. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Natural Resources.

H.R. 552. A bill to amend the National Trails System Act to designate the Arizona...
H.R. 557. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Energy and Commerce.

H.R. 558. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. DELAHUNT:

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Energy and Commerce.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMkus, Mr. MITCHELL, and Mr. WITMER):

H.R. 568. A bill to amend title 38, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DUGGERT (for herself, Mr. ABERCROMBIE, Mr. BUMPER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRALVIA, Mr. HARMAN, Mr. HINCHY, Mr. KENNEDY of Massachusetts, Mr. LOBSACK, Mrs. LOWEY, Mr. McDermott, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WILCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. ELLS WORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMkus, Mr. MITCHELL, and Mr. WITMER):

H.R. 568. A bill to amend title 38, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DUGGERT (for herself, Mr. ABERCROMBIE, Mr. BUMPER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRALVIA, Mr. HARMAN, Mr. HINCHY, Mr. KENNEDY of Massachusetts, Mr. LOBSACK, Mrs. LOWEY, Mr. McDermott, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WILCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. ELLS WORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMkus, Mr. MITCHELL, and Mr. WITMER):

H.R. 568. A bill to amend title 38, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DUGGERT (for herself, Mr. ABERCROMBIE, Mr. BUMPER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRALVIA, Mr. HARMAN, Mr. HINCHY, Mr. KENNEDY of Massachusetts, Mr. LOBSACK, Mrs. LOWEY, Mr. McDermott, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WILCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. ELLS WORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMkus, Mr. MITCHELL, and Mr. WITMER):

H.R. 568. A bill to amend title 38, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DUGGERT (for herself, Mr. ABERCROMBIE, Mr. BUMPER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRALVIA, Mr. HARMAN, Mr. HINCHY, Mr. KENNEDY of Massachusetts, Mr. LOBSACK, Mrs. LOWEY, Mr. McDermott, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WILCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. ELLS WORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMkus, Mr. MITCHELL, and Mr. WITMER):

H.R. 568. A bill to amend title 38, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DUGGERT (for herself, Mr. ABERCROMBIE, Mr. BUMPER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRALVIA, Mr. HARMAN, Mr. HINCHY, Mr. KENNEDY of Massachusetts, Mr. LOBSACK, Mrs. LOWEY, Mr. McDermott, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WILCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.
H.R. 578. A bill to address the impending humanitarian crisis and potential security breakdown due to the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing direct assistance to these populations and their host countries, facilitating the re-settlement of Iraqis at risk, and for other purposes; to the Committee on Oversight and Government Reform, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLIT (for himself, Mr. Hinchey, Mr. GRIJALVA, Ms. LEE of California, Mrs. CAPPS, Mr. BERMAN, Ms. BORDALLO, Mr. LOESBRACK, Mr. HONDA, Mr. INLSEE, Mr. MEERS of New York, Mr. NOLAN, Mr. BROWN of Washington, Mr. HOLLIN, Mr. MCGOVERN, Mr. WEXLER, Mr. MICHAUD, Mr. PALLONE, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. MURDOCH, Mr. CARNABY, Mr. BLUMENAUER, and Mr. CONNOLLY of Virginia, Mr. WU, and Ms. CRARKE):

H.R. 579. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and Labor.

By Mr. LATTARA (for himself, Mrs. LUMMIS, Mr. OLSON, Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. GODDATTIE, and Mr. COBLE):

H.R. 580. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 581. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development, to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 582. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs (other than Federal employee group health plans); to the Committee on Ways and Means, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. STARK, Mr. KUCINICH, Mr. GRIJALVA, Mr. CONOVER, and Mr. RUSH):

H.R. 583. A bill to direct the President to enter into an agreement with the National Academy of Sciences to test questions certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be of concern by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself and Mr. ESTES):

H.R. 586. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at Library of Congress, the National Museum of African American History and Culture to collect video and audio recordings of personal histories of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. GARY G. MILLER of California:

H.R. 587. A bill to increase the loan limits for the FHA single family housing mortgage insurance program and for the conforming loan limits for Fannie Mae and Freddie Mac during 2009; to the Committee on Financial Services.

By Mrs. MYRICK:

H.R. 588. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 589. A bill to establish procedures for the issuance by the Commission on Social Security of ‘‘no match’’ letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. CONAWAY):

H.R. 590. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. HINCHENY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. WATT, Mr. MCGOVERN, Mr. OLVER, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 591. A bill to improve United States capabilities for gathering human intelligence through infiltration, covert surveillance, and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles of international law, the Constitution and other laws; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (by Mr. SCHIFF, the ranking member); for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHWARTZ (for herself and Mr. BECERRA):

H.R. 592. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid Program and the Children’s Health Insurance Program, for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GHAZI, Ms. DIAZ-PORTER, Mr. ELLISON, Mr. WALZ, Mr. MITCHELL, Ms. ROS-LEHTITEN, Ms. EDWARDS of Maryland, Mr. PETERSON, Mr. ROHABARABER, Mr. PROWSE, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. ROSS, Mr. MCGOVERN, Mr. NYE, Mr. HALL of New York, Mr. KAGEN, Mr. MATHY, Mr. WONG, and Mr. YOUNG of Alaska):

H.R. 593. A bill to amend title I, United States Code, to expand the authorized concurrent receipt of disability severance pay from the Department of Defense and compensation for the same disability under any law administered by the Department of Veterans Affairs to cover all veterans who have a combat-related disability, as defined under section 1413a of such title; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 594. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Ms. VISCOSLY (for herself, Ms. SUTTON, Mrs. KILPATRICK of Michigan, Ms. KAPTUR, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. DOOLING, Mr. HOLLEN, Mr. COSTELLO, Mr. LIPINSKI, Mr. STU-PAK, Mr. GENE GREEN of Texas, Mr. ALTMIERE, Mr. CARNEY, Mr. GELRACH, Mr. MICHAUD, Mr. DRAKEBERRY, Mr. HARE, Mr. KAGEN, Mr. SPACE, Ms. CAPITO, Mr. PIETERS, Mr. MCGOVERN, Mr. MASSA, Mr. MANZULLO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. UPTON):

H.R. 595. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 596. A bill to amend the Food and Nutrition Act of 2008 to reduce hunger, and for other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. LOESBRACK, and Mr. SARBANES):

H.R. 597. A bill to provide immediate and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and Labor.

By Mr. RAHALL, Mrs. DELUCAS, Mr. MARKLEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. HINCHENY, Mrs. CAPPS, Mr. INLSEE, Mr. HOLT, Mr. GRIJALVA, Mr. DOM-SELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER):

H.J. Res. 18. A joint resolution providing for congressional disapproval of the rule submitted by the Department of the Interior and the Department of Commerce under chapter 8 of title 5, United States Code, regarding interagency cooperation under the Endangered Species Act of 1973; to the Committee on Natural Resources.
By Mr. GINGREY of Georgia:


By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. MACK):

H. Con. Res. 22. Concurrent resolution establishing the Joint Select Committee on Reorganization and Reform of Foreign Assistance Agencies and Programs; to the Committee on Rules.

By Mr. LEE of California:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress that the tax giveaway since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONGRESS, Mr. HINCHY, Ms. KAPTUR, Mr. McDERMOTT, Mr. RAHALL, Ms. WATSON, and Ms. WOOLSEY):

H. Res. 67. A resolution recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of the Rovers’ successful landing; to the Committee on Science and Technology.

By Mr. ABERCROMBIE (for himself, Mr. MATHeson, Mr. SIMPSON, and Mr. WESTMORELAND):

H. Res. 68. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. REYES, Mr. ORTIZ, Mr. SHERRANO, Mrs. Napolitano, Mr. COSTA, Mr. GONZALEZ, Ms. BERKLEY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. FOSTER, Mr. Sires, Ms. JACKSON-LEE of Texas, Ms. WATERS, and Ms. LINDA T. Sanchez of California):

H. Res. 69. A resolution recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRakis:

H. Res. 70. A resolution congratulating Anthony Kevin “Tony” Dungy for his accomplishments as a coach, father, and exemplary member of his community; to the Committee on Oversight and Government Reform.

By Mr. KINGSTON (for himself, Mr. BISHOP of Georgia, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINORY of Georgia, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 71. A resolution acknowledging the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. LEWIS of Georgia, Mr. FILNER, Mr. GRIJALVA, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. STARK):

H. Res. 72. A resolution expressing the sense of the House of Representatives that absent congressional approval the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq is merely advisory and not legally binding on the United States, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. HASTINGS of Washington.

H.R. 21: Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. Honda.

H.R. 31: Mr. FILNER, Mr. SMITH of New Jersey, Mr. FATTAR, Mrs. MCArThY of New York, Mr. CAJANO, Mr. DOUGgIET, Mr. SCHAKOWSKY, Mr. GEORge MILLER of California, and Ms. NORTON.

H.R. 43: Mr. MURTHA, Mr. BOUCHER, Mr. ENGEL, Ms. SCHWARTZ, Mr. SMITH of New Jersey, Mr. LATHAM, Mr. GRAVES, Mr. WU, Mr. HELLER, Mr. PLATTS, Mr. WITTMan, Mr. GOODLATTE, and Mr. LINCOIN DIAZe-BALALT of Florida.

H.R. 74: Mr. BILBAY, Mr. BURTON of Indiana, and Mr. GALLLEGy.

H.R. 99: Mr. DENT.

H.R. 101: Mr. SIgull.

H.R. 102: Mr. GARY G. MILLER of California.

H.R. 104: Mr. HINCHRY, Mr. GRIJALVA, and Mr. ELISSo.

H.R. 124: Mr. JORDAN of Ohio, and Ms. GINNY BROWN-WATTe of Florida.

H.R. 131: Mr. BURTON of Indiana.

H.R. 135: Mr. GOODLATTE.

H.R. 136: Ms. GINNY BROWN-WATTe of FloridA.

H.R. 144: Mr. FILNER.

H.R. 152: Mr. WILSON of Ohio, Ms. EDWARDS of Maryland, Mr. CArNAHAN, and Mr. Bishop of New York.

H.R. 206: Mr. WESTMORELAND, Mr. MCCOTTER, and Mr. ROGERS of Alabama.

H.R. 213: Mr. PAUl, Mr. HARTLETT, Mr. YOUNG of Alaska, Mr. TAIHRT, Mrs. SCHMIDT, Mr. BLuNT, Mr. JOnes, Mr. AKIN, Mr. JOHNson of Illinois, Mr. ADLEr of New Jersey, Mrs. BACkMANN, Mr. MACK, Mr. ROGERS of Kentucky, Mr. GARRETT of New Jersey, Mrs. MCGaRTY of New York, Ms. McMoRREs ROGERS, Mrs. BLACKMUn, Mr. HOEKSTRA, Mr. CARNy, Mr. CALVERT, Mr. BURGESS, Mr. WEXLER, Mr. BURTON of Indiana, Mr. BOOKErn, Mr. McHEnS, Ms. ZOE LOFGREN of California, Mr. LATHAM, Mr. KLINE of MinnesoTA, Mr. GIrNgREY of Georgia, Mr. COLE, Mr. Brown of South Carolina, Mr. CONWAY, Mr. BROWN of Georgia, Mr. WESTMORELAND, Mr. FLEMING, Ms. LUMMIS, Mr. THOMPson of Pennsylvania, Mr. SHADeKG, Mr. ISSA, Mr. BonNER, Mr. GOhMERT, Mr. CHAFFETz, Mr. POMERoY, Mr. WOLF, Ms. FALLIN, Mr. HARPEr, Mr. PENCE, and Mr. MARCHANT.

H.R. 214: Mr. DUNCAN.

H.R. 226: Ms. JENkINS, Mr. ROE of Tennessee, and Mr. YARKEMU.

H.R. 233: Ms. HIBBSh SANDLin.

H.R. 235: Mr. ROGERS of Alabama, Mr. FRELINGHUYs, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. STUPAK, Ms. RICHARDson, Mr. LaToRETT, Mr. LIPINSki, Mr. PAScReLL, Ms. LORETTA SANCHEZ of California, and Mr. NADLeR of New York.

H.R. 362: Mr. CARNEY.

H.R. 385: Mr. ROGERS of Michigan.

H.R. 388: Ms. BORDALlo.

H.R. 393: Mrs. BLACKMUn.

H.R. 406: Mr. GEORge MILLER of California, Mr. BRADY of Pennsylvania, Mr. CALvERT, Mr. LEWIS of Georgia, Ms. SUTTON, Mrs. DAVIS of California, and Ms. RICHARDson.

H.R. 430: Mr. ISSA and Mr. WITTMan.

H.R. 433: Mr. ALTmIrE.

H.R. 444: Ms. BALdWIN and Mr. FILNER.

H.R. 460: Mr. VAN HOLLEN, Mr. KENNEDy, Mr. RUSH, and Mrs. MALoNEY.

H.R. 470: Ms. BACkMANN, Mrs. BLACKMUn, Mr. LAMBROn, Mr. MARCHANT, Mr. MYRICK, Mr. MACK, Mr. AKIN, Mrs. LUMMIS, Mr. WILson of South Carolina, Mr. GIrNgREY of Georgia, Mr. FLake, Mr. CHAFFETz, Mr. PENCE, Mr. MANzULLO, Mr. MCCaUL, Ms. FOXX, Mr. KLINE of Minnesota, Mr. SCALIER, Mr. BARTLETT, Mr. PITTS, Mr. HARPER, Ms. FALLIN, Mr. GOhMERT, Mr. LUEtKEMeyer, Mr. BURTon of Indiana, Mr. KINSTon, Mr. BROWN of Georgia, Mr. COFFMAN of Colorado, Mr. WITTMan, Mr. FORBES, and Mr. SESSIONS.

H.R. 482: Mr. ROHRABACHER and Mrs. CAPPTo.

H.R. 483: Mr. McHUGH and Mr. GEne GEEn of Texas.

H.R. 507: Mr. LINDER and Mr. DAVIs of Kentucky.

H.R. 542: Mr. CALvERT.

H.R. 3: Mr. ADERHOLT, Mr. GOODLATTE, and Mr. SESSONS.

H. Res. 18: Mrs. GILLIBRAND and Mrs. MALoNEY.

H. Res. 31: Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. CORRINE BROWN of Florida, and Ms. DeGEtte.

H. Res. 38: Ms. LUMMIS, Mr. McMHAOn, Mr. CASSIDY, Mr. FOSTER, and Mr. HARE.

H. Res. 42: Mr. GALLLEGy, Mr. BOOKErn, and Mr. MCCOTTER.

H. Res. 47: Mr. EllSWortH.
The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who at creation brought order out of chaos and light out of darkness, bring order and illumination to our world. As our lawmakers labor, illuminate the darkness of pessimism and doubt, as You give them the wisdom to distinguish between truth and falsehood, good and evil, better and best. Lord, renew their spirits and lift their vision so that they see possibilities that are now hidden from them. Keep them from embracing the second best, and let their ordered lives confess the beauty of Your peace.

We pray in the Name of him who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE
To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENIOR BIDEN'S FAREWELL SPEECH TO THE SENATE

Mr. REID. Mr. President, Senator BIDEN is here to give his farewell address to the U.S. Senate. Over the many decades he has served in the Senate, he has given many speeches in the Senate. We all look forward to his remarks, recognizing the loss of his service in the Senate is significant. However, being Vice President, he will still be President of the Senate.

I will always remember Senator BIDEN telling me, after the time he had been selected to be Vice President: I am a Senate guy. I will always be a Senate guy.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business. We will start that after the distinguished Republican leader and I have finished our remarks. Following Senator BIDEN's statement, which he will give as soon as we finish our remarks, Senator CLINTON will come and give her farewell address. In addition, Senator SALAZAR intends to give his farewell speech sometime, as soon as there is clearance on the calendar. But it will be today.

At noon, the Senate will resume consideration of S. 22, the public lands bill. There will be up to 10 minutes for debate equality divided between Senators BINGAMEN and COBURN. Upon the use or yielding back of time, the Senate will consider any managers' amendments cleared by both leaders, and we will proceed to a rollcall vote on passage of the bill. Upon disposition of the lands bill, the Senate will proceed to a cloture vote on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act. Therefore, Senators should expect two rollcall votes beginning at approximately 12:18 p.m. today.

At 2 p.m. today, Senator appointee BURRIS will take the oath of office to be a U.S. Senator. At 11 a.m. tomorrow, Senator-appointee KAUFMAN will be sworn in to replace Senator BIDEN of Delaware.

With respect to the resolution of disapproval regarding the Emergency Economic Stabilization Act, the TARP legislation, yesterday we proposed a unanimous-consent request to our Republican colleagues for a limited amount of debate and a vote on the joint resolution at around 4 o'clock today. We hope to be able to lock that agreement in shortly.

WORKING TOGETHER

Mr. REID. Mr. President, just a couple of brief remarks.

With all the challenges our country faces, I think we all agree on the importance of this Congress getting off to a fast and effective start. In many ways, I believe we are on that track.

Today, we will likely pass a major wilderness bill that will preserve our environment for the enjoyment of generations to come. The press reports it is the most significant environmental bill that will be passed in more than a quarter century.

We are making progress on confirmation hearings so President Obama will have his team hit the ground running on January 20. We have seated new Members and announced new committee assignments for the 111th Congress.
Today, we vote on stopping a filibuster on a motion to proceed to the Lilly Ledbetter legislation—legislation that ensures pay fairness in the workplace. This should not be necessary. It is really a waste of time—our country’s time. After our 2 legislative days to get this bill before the Senate, to have this vote today, we must wait another 30 hours until we can start offering amendments on the bill. That is a waste of time. That is 4 days at least of wasted time and unnecessary delay. I hope we can just get the bill to the floor, avoid the cloture filing on a motion to proceed. Instead of forcing cloture motions that only waste time and delay progress, I urge my Republican colleagues to offer amendments. If they object to parts of this bill, the Lilly Ledbetter bill, then let’s work on a list of amendments and get through them. I do not approve the amendments. The Republican leader does not approve them. Senators will have that opportunity to vote on amendments, up or down, and it does not get any fairer than that. There may be motions to table, but at least they will have the right to offer those amendments.

I think we have the opportunity to get this Congress off on the right foot. I want all to know there is no attempt by Democrats to jam legislation through without Republican involvement. So I ask my Republican colleagues to accept my offer to work with us rather than revert to the old path of obstruction that served neither party nor the American people well.

So I would hope that as soon as this vote takes place today, we would not have to wait 30 hours or 5 hours or any amount of hours. Let’s just start legislating on the bill. People could offer amendments today, after we get these votes out of the way. We could offer amendments tomorrow. I hope we can do that. As we have done in the past, if there are amendments, I will always stack those votes to vote at a more convenient time for everyone. But I hope we can do that.

HONORING SENATOR JOE BIDEN

Mr. REID. Mr. President, finally, let me say about Vice President-elect Joe Biden. Senator Joe Biden, Joe Biden: Everyone knows about his courage, his wonderful family, his remarkable career on the U.S. Senate. We know he overcame a tremendously difficult personal tragedy during the first few days after his election. I am not sure many could have had the strength he had to conquer this tragedy. Then, of course, he got sick many years later and fought back. It was then Tim Johnson was in the hospital in a coma that Joe Biden visited him and his family and talked to him about the fact that there will be times when, as he is recovering, he may be embarrassed by his inability to speak. Joe Biden is one of the great orators in the history of the country. No one would have ever known he had a problem very similar to what happened to Tim Johnson. He was such a role model to build Tim’s confidence to be able to come back to the Senate.

We here in the Senate know his wonderful family, and now, because of his expeditionary and his service, our country has been introduced to this great family. We know he is now in his seventh term in the Senate, in which time he has served as chairman of the Foreign Relations Committee, chairman of the Judiciary Committee. That he is a champion of rights for women, the environment, a strong military, and the rule of law.

When I think of Joe Biden—I have known him here since I came to the Congress in 1982. I came to the Senate a few years later. But in all of this time, the picture in my mind is during the heat of the Presidential campaign. I am driving down through the capital of the State of Nevada, Carson City, and I look out on a U.S. Senate, and there is Joe Biden in Carson City, NV, campaigning. He had a number of people around him. I stopped the car, got out, and gave Joe a handshake and a big hug. It was so Joe Biden to be there. He was there pressing the flesh and talking to voters.

The people of Nevada have come to know and love Joe Biden for that very reason. He is kind of a regular guy; whether it is at one of the sandwich shops which came from Delaware to Nevada, Capirotti’s—now they are all over Nevada—they all have a picture of Joe Biden in them because it was a Delaware-based sandwich shop. He is just a regular kind of guy who shows up on a street corner just to talk to people.

I will always remember with gratitude the kindness he showed when I first arrived in the Senate in 1986. I will be forever grateful that he was one of the very first colleagues to support my candidacy for Democratic whip, I can remember, I was in his office. He called in his secretary, and I do not remember her name, he said: I take no more calls on this. Reid’s my man. Well, I have always been his. I am a Senate guy, just like Joe Biden. We cannot get that out of our blood. I wish him well. He is going to be a great representative of our country, and I am very proud to be able to say to Joe Biden: You are my friend.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LILLY LEDBETTER FAIR PAY ACT

Mr. McCONNELL. Mr. President, I, too, shortly want to make some remarks about our good friend from Delaware as he leaves the Senate today to take up his new responsibilities, but I think it important that we take first a few observations about the next item on the agenda, the so-called Ledbetter legislation.
workers by owning and operating small businesses.

Republicans have a better operating small businesses.

Republics have a better operating small businesses. 

Republican candidates for the Senate have an opportunity to vote on more than what our good friends on the other side have offered.

FAREWELL TO SENATOR JOE BIDEN

Mr. McCONNELL. Mr. President, I turn now to the issue of the moment, which is the celebration of the career of our good friend from Delaware and wishing him well in the future. I remember being sworn in, in January of 1985, thinking that I had gotten to the Senate at a pretty early age. I was 42 years old. I thought: Gee, I have gotten here at a pretty young age. At the same time I was sworn in for my first term, the Senator from Delaware was being sworn in for his third term. He was barely old enough to vote when he got here. We were born in the same year, but you got a 12-year head start on me. I would have liked to have been a Senator from Delaware, and has had an extraordinarily distinguished career.

When we think about Senator BIDEN, certainly we think about his marvelous personality, his demeanor, his friendliness, the way he has a good ripping-and-running debate without being disagreeable, as we all say. He has been a pleasure to work with. I say that as somebody who has rarely voted on the same side as he has. We say goodbye today to an outstanding individual who has been a fixture in the Senate for 36 years and a friend to everyone in the Chamber. He now, of course, is going to enjoy an even greater achievement as he becomes the Vice President of the United States.

I remember right from the beginning in 1985, as I was discussing a few minutes ago, that Senator BIDEN made everybody feel comfortable. Although we were born in the same year, as I indicated, he certainly got here at an early age, and it has allowed him to spend most of his adult life in the Senate.

America got to know Joe pretty well over the course of the last year. They got a chance to witness his humor, his compassion, his extraordinary decency. They learned firsthand his not entirely undeserved reputation for loquaciousness. They met his wonderful family. Barack Obama decided he liked what he saw in Joe as well and invited him to be his running mate in 2008. Barack Obama decided he liked what he saw in Joe as well and invited him to be his running mate in 2008. That was an extraordinary source of profit for the Burmese regime currently ruling in Burma. Among other efforts, the Tom Lantos Block Burmese JADE Act, which we collaborated on, restricts the importation of Burmese jade into America through other countries. That takes a large bite out of every lucrative source of profit for the Burmese regime.

Joe is well versed in these issues and many others, thanks to his years on the Senate Foreign Relations Committee, with much of that time as either chairman or ranking member. I know he is particularly proud of his role in pushing for NATO expansion in Central and Eastern Europe in 1998 and in 2003.

We will all certainly miss Joe’s presence as 1 of 100. It will take some getting used to, to have a Senate without him, but the good news is he is not going very far. Obviously, Senator BIDEN’s election as Vice President is a great honor and a fitting tribute to his 36 years of public service. I look forward to working with him as a key player in the incoming administration, as Congress and the new President work together to tackle the many difficult issues this Nation faces.

Let me say, on a personal basis: Joe, it has been a real honor and a joy working with you over the years. Elaine and I wish you and Jill the very best in the coming years.

I yield the floor.

RESERVATION OF LEADER TIME

The Acting President pro tempore, Under the previous order, leadership time is reserved.

FAREWELL TO THE SENATE

Mr. BIDEN. Mr. President, let me begin by thanking the leaders for their kind comments. It is true that I have been here a long time, I say to my friend from Kentucky. As a matter of fact, I say to my friend from Hawaii, I remember the first time I stood on the floor as a Senator of the United States. It was the desk directly to your left, Senator, the top row, second in. It was temporarily my desk. I remember standing and being told that the desk on my right was the desk of Henry Clay and I went away left. I had the senior Senators from the respective States got those desks. I say to my friend from California, it was the only time I can remember being speechless when I stood there, as a 30-year-old kid, thinking: Oh, my God.

Well, I never thought I would be standing here today. I never believed serving in this Chamber was my destiny, but it always was a big part of my dreams.

I remember vividly the first time I walked in this Chamber. I walked through those doors, but I walked through those doors as a 21-year-old tourist. I had been down visiting some of my friends at Georgetown University. I went to the Senate of the United States. I had a blind date with a young lady from a school they used to call Visi Visitation—which is now part of Georgetown. My good friend, a guy named Dave Walsh, was there. After the evening, staying at his apartment, I got up and—I shouldn’t say this probably, but I will—I don’t drink. For moral reasons, I just never had a drink. There is nothing worse than being a sober guy with a bunch of college guys who have a hangover the next morning. So I got up and drove to the car. This is a true story. Senator CARRPER—and I drove up to the Capitol. I had always been fascinated with it. In those days, you could literally drive right up to the front steps. I was 21 years old. This was 1963. I say to my friend from Iowa, I drove up to the steps and there had been a rare Saturday session. It had just ended. So I walked up the steps, found myself in front of what we call the elevators, and I walked to the right to the Reception Room. There was a waiting there.

The glass doors, those French doors that lead behind the Chamber, were open. There were no signs then. I just walked
in. Literally, I walked in, and I walked in down here, and I came through those doors. I walked into the Chamber and the lights were still on and I was awe-struck, literally awe-struck. I don’t know what in God’s name made me do it, but I walked up, I say to my friend from Arkansas, I sat in Presiding Officer’s chair. I was mesmerized.

The next thing I know, I feel this hand on my shoulder and the Capitol Policeman picks me up and says: What are you doing? After a few moments he realized I was just a dumbstruck kid. He didn’t arrest me or anything. That was the first time I walked onto the Senate floor. It is literally a true story.

By the way, just 9, 10 years later, I walked through those same doors as a Senator. A Capitol Hill policeman stopped me walking in and he said: Do you remember me? I said: No, sir. He said: I welcome you back to the Senate. He retired. He used to work for the Capitol Hill policeman. He was retiring 2 weeks later. He said: Welcome to the floor, legally.

Well, it is sort of fitting to the way I started my career here. I may not be a young man anymore, but I still awe-struck. I am still awe-struck by this Chamber. I think it brings my career full cycle, to know that while I was once detained for sitting in the Presiding Officer’s chair, I will now occasionally be detained in the breaching of the Presiding Officer’s chair as Vice President of the United States of America.

The Senate has been my life, and that is not hyperbole; it literally has been my life. I have been a Senator considerably longer than I was alive before I was a Senator. I may be resigning from the Senate today, but I will always be a Senate man. Except for the title “father,” there is no title, including Vice President, that I am more proud to wear than that of a Senator of the United States.

When I arrived here, giants—giants—loomed over the landscape of the Senate, people with names such as DANNY INOUYE, Hubert Humphrey, Ed Muskie, William Fulbright, Jacob Javits, Mike Mansfield, Stuart Symington, Scoop Jackson, Sam Ervin, John McClellan, Warren Magnuson, Claiborne Pell, and a few others who are still here: BOB WYND, and the lion of the Senate, TED KENNEDY. I knew them by heart, I knew them by name. I remember them as they come up, as offices come open. I have always thought—we all think our offices are the finest—I always thought of the office I have now as the office of a man whom he never referred to by his first name that I can remember, and the man after whom the Russell Building is named, Chairman Russell. It had been his office.

I walked down to look at his office. It was that period in December when no one was around. The elections were over. I walked in, and I think his secretary of 30 some years—I think her name was Mildred. My memory is not certain on that, but I think her name was Mildred. I walked into the ante-room to his office, and all these boxes were piled up. He was packing up 40-some years of service.

She said: Senator, welcome. Welcome. You all are going to take our office. I said—I think her name was Mildred: I don’t know, Mildred, I am going to check. I said: Is the chairman in? She said: No, you go right in the office. I went in the office. Without her knowing it, Senator Stennis had come in through the other door of the hall and was sitting there in his wheel chair in the same exact spot, with one leg, staring out the window of that office that looks out onto the Supreme Court.

I said: Oh, Mr. Chairman, I apologize. I apologize for interrupting. He said: No, JOE, come in, sit down, sit down. I sat down in that chair, and what astounded me, I say to Senator BOXER, is he looked at me and said: Joe, do you remember the first time you came to see me? I hadn’t. I told this story about Senator Stennis to my friend from Mississippi before, as he walks on the floor.

He asked me: Do you remember? I said: No, I don’t.

He said: I asked you why you ran for the Senate.

I said: Oh, I remember. I was a smart, young fellow, wasn’t I?

He looked at me and said: You all are going to take my office, aren’t you, Joe? He ceased that table, the table he loved so much. He ceased it like it was an animate object.

He said: You are going to take my office?

I said: Yes, sir, I am.

He said: I wanted to tell you then in 1973, and I am going to tell you all, this table here was the flagship of the Confederacy. If you read “Masters of the Senate” about Johnson’s term, you will see in the middle of the book a picture of the table in my office with the famous old school segregationist Senators sitting around that table chaired by Senator Russell.

He said: This was the flagship of the Confederacy. Every Tuesday, we gathered here under Senator Russell’s direction to plan the demise of the civil rights movement from 1954 to 1968. It is time this table passes from a man who was against civil rights into the hands of a man who is for civil rights.

I said: Absolutely, without exaggeration, moving. We talked a few more minutes. I got up and when I got to the door, he turned to me in the wheelchair and said: One more thing, Joe. The civil rights movement did more—more—to free the White man than the Black man.

I looked at him and said: Mr. Chairman, how is that? Probably THAD will only remember as well as I do.

He went like this: It freed my soul; it freed my soul.

Ladies and gentlemen of the Senate, I can tell you that by his own account, John Stennis was personally enlarged by his service in the Senate. That is the power of this institution. Men and women who come to Washington, who come in contact with folks in different parts of the country that we represent, with slightly different cultural backgrounds, different religions, different attitudes about what makes this country great, all races, all religions, and it is this body, and I think it opens a door for personal growth, and in that comes the political progress this Nation has made.
I learned that lesson as a very young Senator. I got here in 1973, and one of the people, along with DANNY and others on this floor who kept me here, was Mike Mansfield, the majority leader. He used to once a week have us report to him, and his office is where the leader's office is on the other side. He really was doing it, in retrospect, to take my pulse, to see how I was doing.

I walked in one day through those doors on the Republican side, and a man who was my friend, Jesse Helms, and his wife Dot—who is still my close friend and I keep in contact with her—I walked through those doors, and Jesse Helms, who came in 1972 with me, was standing in the back executing Dot for the Americans with Disabilities Act.

I walked through the floor on my way to my meeting with Senator Mansfield. I walked in and sat down on the other side of his desk. Some of you remember a pipe a little bit of profanity which I will not say, and he used to go over after every executive session of the Senate Judiciary Committee and go into Jim Eastland's office, which was catcorner, and sit down and he allowed me to ask him a lot of dumb questions as a young kid would want to ask: Who is the most powerful man you ever met, Senator? What is the most significant thing that has ever occurred since you have been here?

On that score, he looked at me and said: Air conditioning.

I said: I beg your pardon?

He said: The most significant thing that happened since I got here was air conditioning.

I thought: Wow, that is kind of strange.

He said: You know, JOE, before we had air conditioning, all that recessed lighting all used to be great big pieces of glass like in showers. He said: Come around May, that Sun—he used to use a little bit of profanity which I will not use for appropriate reasons—that darn Sun would beat down on that dome, hit that glass, act like a magnifying glass and heat up the Chamber, and we would all go home in May and June for the year. Then we put in air conditioning, stayed year round and ruined America.

(Laughter.)

Senator Stennis was my genuine friend. But one of the most unlikely friendships was Strom Thurmond. Some of you knew my relationship with Strom. Did I ever think when I got here I would become friends with Strom Thurmond? He stood for everything—I got started because of civil rights. Yet on his 100th birthday, certainly thereafter, on his death bed I got a phone call from his wife Nancy. She said: I am standing here at the nurse's station, JOE, with the doctor. I just left Strom. He asked me to call you. He wants a favor.

I said: Of course, Nancy, whatever he wants.

She said: He would like you to do his eulogy.

Well, I never thought in my wildest dreams that this place, these walls, the honor that resides, would put me in a position where a man whose career was one of the most interesting in modern American history asked me to do his eulogy. I never worked so hard on a eulogy in my whole life. I think I was completely truthful—truthful to the best of my knowledge.

As I said, he was a man who reflected the ages. He lived in three different ages, three different parts of American history. I remind people, which some who remember him before he resigned, he had the highest percentage of African Americans working in his office as any Senator. He voted for the reauthorization of the Voting Rights Act. He had, in my view, I believe, changed his mind.

This is an incredible place, I say to my colleagues, an incredible place. It has left me with the conviction that personal relationship is the one thing that unlocks the true potential of this place. Every good thing I have seen happen here, every bold step taken in the 36-plus years I have been here, came not from the application of pressure by interest groups but through the maturation of personal relationships.

Pressure groups are often strong and important advocates, but they are not often vehicles for compromise. A personal relationship is what allows you to go after someone hammer and tenen on one issue and still find common ground on the next. It is the grease that lubricates this incredible system we have. It is what allows you to see the world from another person's perspective and allows them to take the time to see it from yours.

I am sure this has not been my experience alone. In a sense, I am probably preaching to the choir of the very men and women sitting in this Chamber who have experienced the same.

One of the most moving things I ever saw in my life was on the floor of the Senate. The year was 1977. We were about to adjourn for the year. There was a vote cast, and as we all do, we assembled in the well to vote.

One of my personal heroes, Hubert Humphrey, was literally riddled with cancer. He died very shortly thereafter. He showed up, like Dewey Bartlett of Oklahoma, he showed up very single day knowing he literally had days to live. He walked down this aisle—because I was standing back here. I have been on this back row for years, with my good friend Fritz Hollings for 34 years.

He walked down the aisle, and as he did, Barry Goldwater came through the doors and was coming down the aisle to vote. Barry Goldwater and Hubert Humphrey shared virtually nothing in common philosophically. They had a pretty tough campaign in 1964. It got pretty rough. Barry Goldwater said Hubert and walked up and gave him a big bear hug. He kissed him and Hubert Humphrey kissed him back. And they stood there in a tight embrace for minutes, both crying, with their arms around each other. The entire Senate to tears. But to me—to me—it was the mark of a storied history of this place. Hubert loved it here. He once said:

The Senate is a place filled with good will among people. And if the road to hell is paved with them, then this is a pretty good detour.
Friendship and death are great equalizers. Death will seek all of us at some point, but we must choose to seek friendship. I believe our ability to work together with people with whom we have real and deep and abiding disagreements, especially in the current political climate, will go to determine whether we succeed in restoring America. I think it is literally that fundamental and basic.

Things have changed a great deal since I first arrived here. There were no women in the Senate. Margaret Chase Smith had just retired and it would be 6 years until the next woman was elected in her own right, and that was Nancy Kassebaum. Today, there are 16 women in the Senate, and we need many more, but that is progress.

Our proceedings in those days were not televised. They didn’t have fax machines, let alone e-mail. I remember the fights we used to have in conference about whether we would actually use money for computers. Remember those fights? Some of the older guys thought: Computers? Why are we going to waste the taxpayers’ money and put computers in our offices? I am almost embarrassed to acknowledge that, but I was a “pretty old dude,” as the kids would say.

I often hear Senators lament today that the 24-hour news cycle and the need to go back home every weekend—or in my case every night—makes it hard to be able to get to know one another, to share a meal. Not long after I first was elected, there was an accident in my family, and I didn’t want to stay. Senators Humphrey and Kennedy and Mansfield and Hollings, among others, said: Just stay 6 months. It was not unusual in those days for there to be groups of Senators who, with their spouses, would take turns once a month having dinner for the rest of the Senators. Senator Eagleton of Missouri, who recently passed away and was a good friend; Senator Gaylord Nelson and his wife, who was incredible and who has also recently passed away; Senator Hollings; and my friend—and he is my friend—Senator Ted Stevens from Alaska had one of those groups, along with a guy named Saxby from Ohio, who became Attorney General. While I never, ever stayed in Washington, particularly in those days, they insisted I come, and I would go to those dinners. I was a kid, I was single, but they included me. The truth of the matter is, they went a long way toward saving my life, changing my life.

I was a kid, I was single, but they in particular supported me in my decision to go to Yale Law School. I went to Harvard College and then to the Bayards, such as the longest serving family in the history of the Bayards. Six have been Senators who have served. I have and I see names of famous Delawareans, such as the longest serving Senator in the history of the State of Delaware, who have given me the opportunity to serve them. As I said, after the accident, I was prepared in 1973 to never go back to the Senate. I was one of whom is in this Chamber. As I said, I have learned a lot from them, and I can tell you from experience that we are only as great as the people we see as giants in the hindsight of history. At the time, they were legislators trying to do their best.

I look in my desk and I see the names carved in the drawer. Maybe the public doesn’t know how much like kids we are. We get here, and we come over here after the Senate is closed and we sit there, somewhat embarrassed, and we actually carve our names in the drawers of the desk, in the bottom. It is a tradition. Maybe there is someone who didn’t do it, but I don’t know of anyone, even the most sophisticated among us. I look in the desk drawer I have and I see names of famous Delawareans, such as the longest serving family in the history of the State of Delaware, who have given me the opportunity to serve them. But I also see the names of Scoop Jackson and John F. Kennedy and others in my drawer. Look in your desk and you will see names you recognize as well, and you all know them. Forty years from now, when someone opens your desk and looks at your name, will they think of you the way I think of these men? To me, that is a test we each are going to have to meet.

With the gravity of the challenges we face today, we have to remember that, too, can become a self-fulfilling prophecy. At the time, they were legislators trying to do their best. This is a remarkable place, gentlemen and ladies. And as I healed, this place became my second family, more than I suspect it is for most. I needed it, and for that I will be forever grateful—forever grateful. So to the people of Delaware, who have given me the honor of serving them, there is no way I can ever express to them how much this meant to me. To my staff, past and present, and all those on the floor,
past and present, dedicated to making this institution run, including the young pages, wide-eyed and hopefully going home and wanting to come back someday in our spots, thank you for everything you have done for me. I suspect you have done for me more than you have ever known.

To my children, Hunter and Ashley and Beau, if I was nothing else, I would be content to be the father of such wonderful people. To my grandchildren, who constantly remind me why the decisions we make in this August body are so important, and to my Jill, you once saved my life, and you are my life today, I thank all of you. I thank all my colleagues for making my Senate service possible and this next chapter in my career in life so hopeful.

I came here to fight for civil rights. In my office now sits that grand conference table that once was used to fight against civil rights, and I leave here today to begin my service to our Nation. Joe, the young African-American President. The arc of the universe is long, but it does indeed bend toward justice, and the Senate of the United States has been an incredible instrument in assuring that justice.

So many of us have not seen the last of me. I say for the last time, and with confidence in all of you, optimism in our future, and a heart with more gratitude than I can express, I yield to my colleagues for making my Senate service possible and the Golden Rule. This is a man of deep faith. You wouldn’t always know it, he doesn’t talk a lot about it, but this is a person whose life and values were shaped as much by his family and his faith as any I have ever seen. With his parents taught him to treat other people the way he would like to be treated. That led to his great involvement and support of the Civil Rights Act and underlies everything he does today.

All of us love our families. I do not think I know anybody in public life or outside of public life who is more committed to and who loves his family any more than Joe: Jill, his first wife Neilia. Jill, I have the privilege of knowing—I tell you he has a wonderful wife Jill. It is clear he loves her with all his heart. The three kids are not kids anymore; they are in their thirties and twenties. Beau is over in Iraq today serving in the National Guard. But there is an extraordinary bond between a father and a child.

It has been said the greatest gift that a father can give to his children is to love their mother. He doesn’t just love her, he loves them. Joe loves his children. This is a loving guy with a family that is as strong as any I have ever seen. You heard the old saying I would rather see a sermon than hear a sermon. When it comes to family values, you see the sermon. You don’t just hear it, you see it. We see the sermon.

In politics, I like to say our friends come and go but our enemies accumulate. When you think about the people who love their mother, who love their children, who loves the grandchildren. This is a loving guy with a family that is as strong as any I have ever seen. You heard the old saying I would rather see a sermon than hear a sermon. When it comes to family values, you see the sermon. You don’t just hear it, you see it. We see the sermon.

In politics, I like to say our friends come and go but our enemies accumulate. When you think about the people Joe has talked to, from Eastland to Jesse Helms to Senator Thurmond—he didn’t mention Phil Gramm—you would never imagine a guy who has his convictions, his philosophy, his commitment to civil rights and other causes—you would never imagine Joe would become their friend, confidant—and not so much for them to change him, but for him to change them and in fact this country.

Joe, you have been part of the glue that holds this place together. As we have said goodbye to a lot of good men in the last several weeks, it is a real sort of sense, not of bitterness, not of sweetness, but maybe bittersweet that we say goodbye to you today. The 8 years I have been here. I know there have been a lot of times when we sought to try to make sure the Vice President didn’t come and cast a tie-breaking vote. My guess is in the time you serve for Vice President—4 years’ worth of votes, however long it is going to be; I hope it is 8—my guess is there will be times we overbalance the votes so you will have to be here. I don’t know if we can do it in a way that will allow you to come to the floor and give another speech like you gave just now. Maybe we can figure it out.

But as a friend, as we say goodbye and move on to this next assignment in life: God bless our President-elect. He has made a terrific choice not just from Delaware, which is hugely happy and excited, but I think for our country and I think for the world. But I want to say, for the last 8 years, thank you for being my friend, my confidant. Thank you for being my adviser. Thank you for seeking my advice from time to time and listening to my advice. To your staff that is gathered here today, and your family up in the balcony, thank you for sharing with us a wonderful human being, for nurturing and bringing him along. The staff has provided such terrific support, almost like an extension of my own staff. We love your family and we love your staff and we are going to miss you. Thank you for always having my back, and for looking out for me and for making possible the extraordinary experience as a junior Senator for the last 8 years.

I understand your resignation becomes effective, is it 5 p.m. today? As I look at this clock here, I know for the next 5 hours, 49 minutes, I get to be a junior Senator and then after that I move up in the pecking order. But I will always be your junior Senator and your colleague and I hope your friend. God bless you in all your life ahead and for all you have done for us and for me especially. God bless you. The ACTING PRESIDENT pro tempore. The Senator from Delaware. Mr. BIDEN. Thank you very much. You have been one of my closest friends and confidants and you will continue to be, and I appreciate your sentiment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. I am only going to take a few minutes, but I want to say a few things that are not from Joe Biden, certainly from this side of the aisle.

Mr. President, I rise today to pay tribute to Senator Joe BIDEN as his
service in the Senate representing the great state of Delaware ends and his service as our Nation’s next Vice President is about to begin.

Like everybody else, when I think of Joe Biden, I first think of his family. As important as the Senator has been in defining his illustrious career, the man we know has been defined by his wife Jill and his children. Senator Biden, were he never elected to the Senate or the Vice-Presidency, has succeeded and accomplished much in this life when you consider the tremendous job he and Jill did in raising Beau, Hunter, and Ashley.

Today, however, our remarks will focus on Senator Biden’s legislative and other professional accomplishments. I can tell you firsthand that anyone would be hard pressed to find a more distinguished and effective legislator. In an age of endless cynicism toward our elected officials, let there be no doubt that the word “distinguished” is a proper description of this extraordinary public servant. He is a friend of mine. I have been privileged to serve 32 years side by side with Joe Biden on the Judiciary Committee and I have nothing but respect for him. Most of our work together was on the Senate Judiciary Committee, where Senator Biden served as chairman from 1985 until 1995. I served as ranking member for many of those years, and when I first served as chairman from 1995 to 1997, I had Senator Biden forth right off the bat, introducing the bill only a year earlier, and we worked hard to see its passage in a relatively short amount of time. The bill was very significant and the law has changed the landscape with regard to sentencing, monitoring, adjudicating, registering and tracking sexual predators.

As chairman of the Judiciary Committee, Senator Biden mastered the Senate’s dying art of legislating because he valued legislating. Joe Biden is not just a speed giver—though he was good at giving a long speech—he is an exceptional legislator. Majority Leader George Mitchell said he was the best Senate floor strategist he had ever worked with, and coming from George Mitchell, that’s saying something, because George Mitchell was one of the best Majority Leaders we have had in the Senate. There are few like Senator Biden left in the Senate who have the skills and the experience to thoughtfully develop an idea for policy reform; craft what he believes to be the ideal bill; patiently—and with the long view—establish a record through hearings, reports, and media engagement; build a consensus among colleagues and crafting compromise; and skillfully managing the bill’s passage on the floor.

Political pundits and the media have for decades tried to get a handle on what makes Joe Biden tick. Too often, they settled for the easy answer—Joe’s “a wild stallion that never felt the bridle” or he is an “unguided missile.” That’s nonsense. Senator Biden has proven himself to be an accomplished statesman with enormous personal vision.

I am proud he is going to be our next Vice President of the United States serving with, as he said, the first African-American President. We are all proud of that and we should be, and we should do everything in our power to help.

No one better captured the Joe Biden we know than the author Richard Ben Cramer, who won the Pulitzer Prize for his profile in the classic book “What It Takes.”

As a kid growing up in Scranton, “there was (to be perfectly blunt, as Joe would say) a breathtaking element of balls,” that was Richard Ben Cramer, not me. “Joe Biden had balls. Lot of times more balls than sense. . . . What he was, was tough from the neck up. He knew what he wanted to do and he did it.” Later in life as a lawyer, he applied that mental toughness and, another quote, “cocky self-possession” to his chosen career—politics. There, Joe Biden would envision what he wanted to achieve and how he wanted to achieve it. While the experts, staffers, and consultants we Senators come to rely on, would buzz around him with advice and direction, Joe Biden would listen but know in his gut what to do. “Joe could see the thing whole in his head, and what’s more, he could talk it.”

In the end, what Joe Biden chose to take on and how he succeeded all rested on Joe’s certainty. As Cramer wrote, “Once he’d seen it . . . he knew what was supposed to happen . . . Hell, it was a done deal . . . and then it wasn’t the balls. Not to Joe Biden. It was destiny.” That is from “What It Takes,” Richard Ben Cramer’s book from 1993.

The record of Joe Biden’s life is clear. Mr. Vice President-elect, you have had “what it takes” to be an accomplished Senator, and you have “what it takes” to be our Nation’s Vice President.

Your tenure here has been marked with hard work, and much success, much pain, and much grief, much difficulty. Yet you remain humble and hardworking. The skills and abilities our Lord bestowed on you have been used mightily by you. Your integrity, trust and faithfulness have served you and this great country of ours.

I thank you for your service, and thank you for your friendship, thank you for your continued sacrifice on behalf of this great Nation, and I tell you personally that I love you. I appreciate you very much. I care for you. I care for your family. We are going to be helpful to you as Vice President of the United States. And we hope you will not screw it up too badly there. We are going to be right there with you, if we can. Joe, we are proud of you and we ask God to bless you.

The acting President pro tempore Mr. Biden from Delaware.

Mr. BIDEN. I would like, if I may, Mr. President, to thank my friend from Utah for his kind comments. We have been buddies for a long time. I hope that continues in my new job.

Mr. KERRY. Mr. President.

This is a special moment in so many ways, and it is an emotional moment. I have known Joe since we were both kids, in terms of this journey, since we first ran for office in 1972. We learned much about each other’s the press clips of each other’s races, hearing stories from mutual friends and joint campaign workers. The conventional wisdom of that year is that Joe couldn’t win his race against an incumbent, Hale Boggs, who had been in office and who he chaired somethiwat for 6 years. I, on the other hand, was favored to win mine. True to conventional wisdom, it turned out exactly the opposite way.

To this day, I like to kid our longest friend, our New Jersey friend, John Marttila, who was deeply involved in both of our races back then, that if he had just spent a little more
time in Lowell, MA, and a little less time in Wilmington, things might have turned out differently. But for Joe and me, both in politics and in life, things have actually turned out pretty well, and I have loved sharing this journey with him.

In a lot of ways, Joe Biden is an old-fashioned kind of guy. He lives life and politics by what a lot of people think are the old rules, regrettably: Unfailingly loyal, your word is your bond, you tell the truth, you act on principle not ideology, and you keep faith with family and home, you never forget where your roots are or who you are, and you are consistent and honest in all your endeavors.

Joe Biden is all of that and a lot more in many personal ways. He is a patriarch to the core, in the best time-honored understanding of the meaning of that word. He never smiles more broadly or picks up more personal energy than when he is talking about his family. Frankly, to know Joe Biden is also to know a lot of Bidens.

Dozens of our colleagues, hundreds over the years, know that if you call Joe Biden with a late-night question, the odds are pretty high you are going to find yourself on a train, right? Amtrak home to be there with Jill, Beau, Hunter, Ashley, and the grandchildren. There is something pretty great about a senator who makes sure to stop by his mom’s house for ice cream or a kiss goodnight on his way home. That’s exactly what Joe Biden would do with his 92-year-old spitfire mother, Jean Finnegan Biden. It is the lessons of that big, Irish, warm, protective family that Joe brought to the Senate. He is the big brother whose sister Val remembers him as her protector on the playground, the dad whom Beau and Hunter remember urging them to get up when they got knocked down on the soccer field, the boss who calls a staff member when they have a sick child, the man who threatens to fire you if you miss your kid’s birthday because you are working late for him.

This is someone in the Senate who had a reputation for not just talking about family values but living them.

Every one of us who has worked with Joe Biden knows how much he took this lesson to heart and how much we gain by applying it today. His example is clear. If you treat people decently, look for the best in them, you can sit down and work through divisive issues; not just score political points but actually get something done.

Joe likes to talk about his first impression of Jesse Helms, but he is often too modest to talk about what happened when the late senator from North Carolina was surprised that Joe Biden, Jesse Helms, and I teamed up in the fight against global HIV/AIDS. Some never would have believed that together we could bring about what is today the largest public health expenditure or effort by any single country in world history. That is what happens when Joe Biden takes to heart the message of a wise warhorse such as Mike Mansfield, looks past the stereotypes, past the party labels, and throws out all the ideological language to find the common ground.

Nowhere did I see that more than on the issue of crime. Coming from theantage point of being a prosecutor in the 1970s, when the then-Senator Biden was no more likely to make his mark on the more divisive, ugly wedge and emotionally charged issue than crime until Joe Biden and the 1994 crime bill. Joe put an end to the “Willie Hortonizing” of this issue. We worked closely together and put more cops on the streets of America. I remember Joe’s passion and tenacity on that bill.

It was a huge, landmark piece of legislation, complicated, divisive—but not so because of Joe’s enormous skill that shepherded it through the ideological minefields that otherwise might have been impossible. Joe was simply not going to accept defeat. He made dozens of trips to the White House, had dozens of meetings with congressional leaders, and took the common ground and ultimately pass a bill that resulted in the lowest crime rates in a generation. Every step of the way he sought out friends, he crossed the aisle, he worked the process and built alliances and invited them to share not just in the work but also to share in the credit, which is, in the end, the best way to get things done here. That is leadership in the Senate and that is exactly how we make progress.

He also brought great skill to his work in the Armed Services Committee, Senate Majority Leader Mike Mansfield had made. Mansfield told him: Joe, this is your goal. Everyone is sent here for a reason; because there is something in them that their folks like. Don’t question their motive.

When Russian tanks rolled into Georgia, respecting Georgia’s sovereignty became a sound bite for a lot of people, but for Joe Biden it was a moment to pick up a phone, call up an old friend, someone he had met as a young Parlia-mentarian, and was then in his twenties. So Joe Biden got on a plane, took that flight all night, and sat on a hilltop in Georgia with his old friend, Mikheil Saakashvili, and together they talked to not just about the security of Georgia but the security of a man who was then in very real danger, a man Joe Biden believed was willing to die for democracy.

Just one small example of the emotional intelligence and personal touch that had been the calling cards of Joe’s career in public life for decades.

As we all know, Joe is blessed with a broad well-honed Irish sense of humor, an ability to have fun amidst all the rest of the tensions and stress and chaos. We still joke about the trip we took with Chuck Hagel to a forward operating base in Kandahar Province in Afghanistan in the middle of winter and our helicopter wound up getting caught in a blizzard. We had just received a briefing that, where the modern road system ends, the Taliban begins. Lo and behold, the next thing we knew, we had a forced landing high on a mountainside with nothing around us. We sat around swapping stories for a while and came up with a few contingency plans in case the Taliban attacked. First, we thought—use the hot air of three talkers to heat up the area and melt the ice. Total wishful thinking. Then we figured faling that we will talk the Taliban to death. Ultimately, we figured we would let Joe Biden lead a snowball charge and that would be the end of the deal. But our superb military protectors, efficient as always, soon had us out of there, safe and rescued, and we have had a good time laughing about it ever since.

Later, when I told him my plan to have him lead the brigade, Joe, reliving his Blue Hen college football glory days, flexed his right arm and said in that inimitable Biden way: The Taliban? They are not worth my rocket arm.

As chairman of the Foreign Relations Committee, Joe applied a no-holds-barred, unvarnished truth-telling to many politically sensitive issues. In the middle of his own Presidential campaign, he didn’t hesitate to ask whether our counterterrorism policy had turned a deadly serious but manageable threat, a small number of radical groups that hate America, into a 10-foot-tall existential monster that dictates nearly every move we make. It was not a poll-tested or popular question, but it was a sign of leadership and a hallmark of vision that America well when he takes the oath as Vice President of the United States.

Let me share one last story involving my senior Senator, Ted Kennedy, who has been an incredible mentor, both to myself and to Joe, since we both got into this business.

Years ago, when Ted Kennedy joined the Senate, rules dictated that Ted had to step down from the Judiciary Committee. That would have made Joe the chairman. So Joe had all the interest in the world for that to happen. But, instead—and I suppose I should say what
Senator in their early forties, presented with the choice, wouldn’t have loved to have had the responsibility of the Judiciary Committee. But Joe Biden went to the caucuses and he gave them an ultimatum. He said point blank: This is ridiculous. I wouldn’t serve unless I have Ted Kennedy on my side on this committee.

Make no mistake, Ted Kennedy moved to Armed Services, but he stayed on the Judiciary Committee. Together, they fought some of the greatest confirmation battles in the history of the Supreme Court. No one can imagine the Judiciary Committee without Ted Kennedy’s decades of focus and fire. But the Senate should know it would not have been possible if it had not been for Joe Biden’s youthful challenges to the leadership to get him to be able to stay there.

Joe is one of the people in the Senate whom I have had the privilege of enjoying as a member of a century or so. Joe is one of the people, obviously, I have enjoyed serving with the most. We have been through a lot. We have shared a lot, good and bad, ups and downs. What is exciting is, frankly, we still have a lot more to come. While Joe’s making that short ride up to the other end of Pennsylvania Avenue, I know there is one thing that is not going to change. We are always going to be able to count on him to be the same Joe Biden I know we can take that to the bank. When Joe works with us in these next months—and he will work with us intensely—and when he says to you: I give you my word as a Biden that this is going to happen, we can take that to the bank and know it will happen.

We are very proud of our colleague, Senator Biden. We wish him well and Godspeed. We look forward to seeing him as the presiding official of this body—importantly, I am looking forward to working with him on the enormous challenges this country faces.

Mr. LUGAR. Mr. President, I rise to honor my good friend and our distinguished colleague, Joe Biden, who will be ending his remarkable Senate career to assume the office of the Vice President of the United States. It has been my great privilege to serve with Joe Biden in the Senate for 32 years. He and I are longer on the Foreign Relations Committee for all of the 30 years that I have been a member of that panel. He entered the Senate as the sixth youngest person ever elected to this body, having been elected at age 29 and seated soon after he reached the constitutional age minimum of 30 years of age. He leaves as the longest serving Senator in the history of his State and the 14th longest serving Senator in U.S. history. He has cast more Senate votes than all but nine other Senators in history.

Joe Biden comes from a modest Irish-Catholic background. He started out in Scranton, PA, where his father was a used car salesman and his mother was a homemaker. The oldest of four children, Joe and his family moved to Claymont, DE, where his father had found a better job. It may be hard for many to believe today, but as a teenager, Joe Biden actually had a stutter. But showing the grit and determination we all have come to know, he undertook to give a speech to his entire school as a way to force himself to overcome his impediment. At the University of Delaware, he majored in history and political science, and he received a law degree from Syracuse University.

He started practicing law and worked as a public defender, but perhaps because his grandfather had been a State senator in Pennsylvania, he was soon attracted to politics. At the young age of 27, he was elected to the County Council of New Castle County in Delaware. Two years later he surprised all the political experts in his State, as well as his own campaign managers, by defeating an incumbent Senator in a presumably “safe” seat. The margin of victory was just over 3,000 votes, but Joe went on to increase his vote totals in subsequent reelection races.

All along, Joe has understood at an especially young age, it would be wrong to say that he led a charmed life. In fact, just the opposite is the case. Just weeks after his election, his wife Neilia and his youngest child Naomi were killed in a car crash while Christmas shopping. His two other children, Beau and Hunter, were critically injured. Naturally, the tragedy was devastating to Joe, and he considered dropping the Senate seat to tend to his stricken family. The distinguished majority leader at the time, Mike Mansfield, persuaded Joe to reconsider, and he took the oath of office at his sons’ hospital bedside.

It was the start of a long career of dedication to the Senate. It also was the start of a tradition for which Joe has become famous—his regular commute on Amtrak from Wilmington down to Washington when the Senate was in session.

When I arrived in the Senate 4 years later, Joe had already established a reputation as a dynamic presence on Capitol Hill. In 1979, I joined him on the Foreign Relations Committee, where he had become a member in 1975. We have served together since, and I have benefitted greatly from Joe’s friendship during that time. I have always believed that foreign policy is most effective when it is done in a bipartisan manner, and in Joe I found an able partner willing to work across the aisle to achieve important victories on behalf of the country and the American people. Some of the battles have not been easy. I recall, for instance, the difficult job we had in achieving passage of the Chemical Weapons Convention during President Clinton’s administration. We celebrated another major victory last year with the passage of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act. Recently, our collaboration led to the joint sponsoring and introduction of the Enhanced Partnership with Pakistan Act. We have worked closely on legislation related to Irish Heightening climate change, tropical forest conservation, international violence against women, the control of global pathogens, and numerous arms control measures.

Joe has served as chairman of the Foreign Relations Committee, and we and our staffs have worked with special purpose during those times. We share the belief that the Foreign Relations Committee occupies a special place in history and is an essential component of a successful U.S. foreign policy. It is because of Joe’s wide experience, keen mind, steady hand and strong advocacy that he was chosen by our Committee colleague, Senator Obama, to be his vice presidential running mate.

While I will deeply miss working with Joe on the committee, I look forward to joining with him to achieve further accomplishments while he is vice president. Besides a new команд that will be rich in people, I will face many challenges, and I know he will gain strength from the support and affection of his family: his lovely wife Jill, their daughter Ashley, and his two sons, Beau and Hunter, as well as their four grandchildren. It will be the best as they begin this exciting new chapter in their lives.

Mr. BYRD. Mr. President, on this cold January morning, I am being kept warm by four glorious words that keep running through my mind—those four words are: “Vice President Joe Biden.” I love the sound of that. It is music to my ears.

I have known Joe Biden for nearly four decades, since he was first elected to the Senate in 1972. I have admired the enthusiasm and dedication he has brought to his work every single day he has been a U.S. Senator. His years of service in this institution will be one of his greatest assets in the Senate. During his tenure in the Senate, Joe has gained a priceless working understanding of the importance of our constitutional systems of checks and balances and separation of powers. He has stood on this floor and argued long and hard—with fire in his belly—against executives of both political parties when he felt it was in the best interests of this Nation. We have all watched him, time and again, pacing this floor, speaking in that rhythmic Joe Biden way—drawing us into his world, his logic, and then, at the end, punctuating his point in whispered tones. I can see him now, putting the White House on notice, and defending the advice and
consent authority of Senators. Joe has seen how this part of the government—the people's branch—lives. He will assume his new job fresh from membership in the world's greatest deliberative body. Those Senate years will, I believe, shape him, the country, and the people, well.

Senator Biden is moving on, and while I regret losing him as a colleague here, I am heartened by the experience and wisdom he takes to his new duties. I believe that he will be a great Vice President, my friend and former colleague. President-elect Obama showed outstanding judgment when he selected Senator Joe Biden to be his running mate.

The acting president pro tempore. The majority leader is recognized.

Mr. Reid. Mr. President, the regular order is that Hillary Clinton was to be recognized at 11 o'clock. There are a lot of people who want to say things for Biden and Hillary. We have votes scheduled at noon. So I would ask the Chair, under the order, to recognize the Senator from New York, Mrs. Clinton.

The acting president pro tempore. The Senator from New York is recognized.

Farewell address

Mrs. Clinton. Mr. President, I am once again, and, if confirmed, for the last time, honored, privileged, and proud to address you as a Senator from the great State of New York: to stand in this Chamber; to be amongst my colleagues with whom I have won legislative victories, suffered defeats, and made lasting friendships; to serve my fellow New Yorkers; to speak amidst the echoes of historic and fiery debates which have shaped the destiny and promoted the progress of this great Nation for more than two centuries.

And I am gratified by the overwhelming support and vote of confidence from my colleagues on the Senate Foreign Relations Committee and I look forward to working with them and continuing the conversation we began on Tuesday. And of course, I am so eager to continue working closely with my friend, and the Vice President-elect, Joe Biden.

I have loved being part of the Senate, working for public servants of both parties who bring to bear their expertise and enthusiasm to the difficult, painstaking, and occasionally contentious work of turning principle into policy and policy into law. And I assure you I will be in frequent consultation and conversation with my colleagues here in the Senate.

I also have been so fortunate to have what is, objectively, the best Senate staff, both in Washington and in New York that has ever been assembled, led and inspired by my Chief of Staff and friend, Tamera Luzzatto.

In outlining the purpose of the world's greatest deliberative body, the authors of the Federalist Papers wrote that in part the Senate's role would be to avert the consequences of "sudden and violent passions" and "inimical and pernicious resolutions."

Well, I think each of us at times has wished that the Senate would be even, so slightly less "temperate." But it is to the lasting credit and everlasting wisdom of our Founders that we come together, representatives of every State, members of both parties and neither party, in the hopes of finding common ground on which to build a stronger, safer, smarter, fairer, and more prosperous country for our children and grandchildren.

As I look back on 8 years of service here, and as I have spoken with many of you in recent days about the challenges that lie ahead, I find myself reflecting on the work we have done as well as the work that remains at this moment of tumult and transformation.

I asked the people of New York to take a chance on me. And they did. I went to the public on their behalf in that election. I went to the public on their behalf in this election. And I believe the people of New York gave me and my running mate their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, and as New York has faced challenges amongst the greatest in our State's history, Senator Schumer and I have worked hard to keep faith with my fellow New Yorkers.

I remember when I first arrived in the Senate. There were a few skeptics. Many wondered what kind of Senator I would be. Were the elevators were. I believed my charge on behalf of the people of New York and the Nation was to devote myself fully to the task at hand. So I got to work.

No sooner had I taken office, 9 short months into my first term, the Nation was attacked on 9/11. The toll was devastating and New York would bear the heaviest burden. Nearly 3,000 lives were lost. The World Trade Center lay in ruins. First responders, residents, students, and others. Tamera Luzzatto, in her latest Sunday press conference.

And I have developed close and lasting relationships with many of the families of the victims of 9/11 who in their grief have come together to fight for health monitoring and for smarter policies to prevent future attacks.

Together, we have developed a plan to create the 9/11 Commission and for the successful implementation of its findings, including funding based on threat assessments and better resources for first responders.

These efforts would become a model for finding common ground where possible, and standing your ground where necessary. For coordinating between Federal, State and local governments. For forging new partnerships between Government, academia, labor, and the private sector, and between members of both parties. A model for decisions based on sound evidence and solid facts, and for achieving results.

This is how we approached many of the economic challenges facing New York. So many New Yorkers have lost jobs, or have seen their jobs paying less and their benefits covering less than before.

I have met many who have lost health care or seen their premiums double. Who are unable to afford a college education or find good work, or pay rising mortgage bills. Who feel as if they are on the edge and are unable to afford a college education or find good work, or pay rising mortgage bills. Who feel as if they are on the edge and are unable to afford a college education or find good work, or pay rising mortgage bills.

The air was acrid. Thick smoke made it hard to breathe.

We knew then that there would be lasting health problems for first responders, volunteers, workers, and others who rushed to provide assistance following the attacks.

Two days later, Senator Schumer and I went to the Oval Office and secured a commitment from President Bush for $20 billion in Federal aid for New York’s recovery. A commitment that would follow, Senator Schumer and I would fight successfully to ensure that money was delivered as promised.

In this and every instance, I have been grateful to have had Senator Charles Schumer as a partner and ally. New Yorkers could not ask for a more effective and determined Senator to fight for them. And I feel fortunate that if I miss seeing my friend Chuck, I can turn on the television to catch his latest Sunday press conference.

Over the past 7 years, in a fight that continues, we have worked to bring business back to downtown and to secure funding for programs to provide health monitoring and for smarter policies to prevent future attacks.

I have developed close and lasting relationships with many of the families of the victims of 9/11 who in their grief have come together to fight for health monitoring and for smarter policies to prevent future attacks. In this and every instance, I have been grateful to have had Senator Charles Schumer as a partner and ally. New Yorkers could not ask for a more effective and determined Senator to fight for them. And I feel fortunate that if I miss seeing my friend Chuck, I can turn on the television to catch his latest Sunday press conference.

Over the past 7 years, in a fight that continues, we have worked to bring business back to downtown and to secure funding for programs to provide health monitoring and for smarter policies to prevent future attacks.

Together, we have developed a plan to create the 9/11 Commission and for the successful implementation of its findings, including funding based on threat assessments and better resources for first responders.

These efforts would become a model for finding common ground where possible, and standing your ground where necessary. For coordinating between Federal, State and local governments. For forging new partnerships between Government, academia, labor, and the private sector, and between members of both parties. A model for decisions based on sound evidence and solid facts, and for achieving results.

This is how we approached many of the economic challenges facing New York. So many New Yorkers have lost jobs, or have seen their jobs paying less and their benefits covering less than before.

I have met many who have lost health care or seen their premiums double. Who are unable to afford a college education or find good work, or pay rising mortgage bills. Who feel as though the hardworking middle class is being squeezed, but not the reward of a global economy.

So I have worked hard to help make investments in New York’s economy, by coauthoring a law to expand renewal zone tax incentives for new jobs and following the attacks. York: helping to raise the minimum wage; working to extend unemployment insurance; securing $16.5 billion in transportation
funding; and increasing funds for Amtrak and high speed rail.

We passed legislation to create training programs for green-collar jobs that will help New York workers fill 21st century jobs that will in turn help end our dependence on foreign oil and fight climate change.

And we prevented the closure of military installations and facilities, including the Niagara Falls Air Reserve Station, Rome Labs, and the Defense Finance and Accounting Service in Rome, which keep our Nation safe and employ thousands in New York.

Even when we have faced obstacles, we have never given up. We have often promoted what President Franklin Delano Roosevelt called "bold, persistent experimentation."

We helped expand broadband access across rural areas in the North Country.

We secured into law funding to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in Corning and Jamestown.

In the Finger Lakes and North Country we partnered with eBay and local universities and companies to create 21st century jobs that help small businesses get the micro-loans and training to reach global, not just local, markets.

In Rochester, we developed the first-ever Greenprint: a blueprint for how the city can harness its research institutions, innovative businesses, proactive local leaders, and talented workforce to become an even stronger clean energy leader.

We brought Artspace to Buffalo and secured funds for cultural centers like Proctors Theater in Schenectady, Stanley theater in Syracuse, and the Strand Theater in Plattsburgh, creating a model for urban revitalization and economic development centered on cultural projects.

I have worked to promote heritage tourism in places like Seneca Falls, home of the National Women's Hall of Fame and the site of the landmark Women's Rights Convention of 1848.

New Jobs for New York brought together more than 2,600 entrepreneurs, investors, and researchers across New York to obtain capital, share ideas, and grow New York businesses.

Farm to Fork created new markets for New York's cultural products in New York's restaurants, schools, and colleges. And our annual Farm Day here in the Capitol showcased New York farmers and vinters.

With investments in transportation to ease congestion and pollution on Long Island, in Westchester, and in the Hudson Valley, renewable energy and nanotechnology in the capital region's "Tech Valley," biomedical research in Buffalo, Biotechnology in Syracuse, microcredit in the Finger Lakes, we have created a new category of small that New York, with our talented workforce, world-class educational institutions, and affordable, safe communities, is a wonderful place to do business. In fact, as you know, I recently took a detour through many of my colleagues' States where I had the opportunity to brag about New York and the kinds of innovative strategies we are putting into practice. Some of those stories I hope to take up on the Senate floor. The topic was, to no one's surprise, health care. And in the years since, I have continued my commitment to achieving quality, affordable health care for all Americans, no exceptions, no excuses. I was proud to be part of the bipartisan coalition which passed the "Pediatric Rule" into law, ensuring that drugs are tested and labeled for safety and effectiveness in children.

We have expanded newborn screening. We were able to thwart the Bush administration's attempt to undercut community health clinics and broker a compromise to keep tens of millions of dollars in HIV/AIDS funding in New York through the Ryan White CARE Act.

Because of our work, groundbreaking legislation now provides respite care for family caregivers; safety measures to prevent tragic injuries to children in small cars, and high chairs; programs for grandparents and other kinship caregivers raising children; and more affordable college for students, particularly nontraditional students who are studying while working or raising a family.

I have also been proud to serve on the Senate Armed Services Committee, the first New York Senator to do so, and to be the only Member of the Senate asked to serve on the U.S. Joint Forces Command's Transformation Advisory Group.

With my fellow members of the committee, we have expanded access to TRICARE for all drilling members of the Guard and Reserve; improved health care tracking for servicemembers, especially important in treating complex, invisible injuries like post-traumatic stress disorder and traumatic brain injury; and we have passed the first ever expansion of the Family and Medical Leave Act so loved ones can take 6 months of leave to care for family members injured in service.

I have visited with members of the Armed Forces at military facilities across the State, including 10 visits to Fort Drum, and I have met with our airmen in Iraq and Afghanistan, as well as those recovering at Walter Reed and at the military hospital in Landstuhl, Germany.

From the firefighters, police officers, and citizens who responded on September 11, to the men and women of the 10th Mountain Division, known as the most deployed division in the army, New Yorkers have answered the call to serve. I have worked hard to honor the principle that we should serve those who serve us.

I am proud of the progress we have made, often against tough obstacles and even tougher odds, under the leadership of Senator Harry Reid who has led with intelligence and grit.

But of course there remains a long way to go.

The House has passed the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act on behalf of women and others seeking equal pay for equal work. I hope we can pass these bills into law. We have moved Health IT even closer to the finish line, which holds so much potential for reducing waste, errors, and costs while creating whole new data sets for research and avenues for innovation.

I was dismayed when we were unable to expand the Children's Health Insurance Program to millions of uninsured children under the current President, though I am hopeful we will do so under the leadership of President-elect Obama. Providing health care for every single child, as we work toward覆盖 every single American, is in our duty and in our reach.

There are so many other works in progress that I hope will be pursued by my fellow Senators. And I have spoken with many of you about taking on the mandate and continuing the work of legislation I have proposed over the past 8 years.

Finally, to my fellow New Yorkers, I want to express my profound gratitude.

Thank you. I love you, Senator. Serving you has been the opportunity of a lifetime to continue the work of my life. To advocate on behalf of every single child's chance to live up to his or her God- given potential. To fight so that no one feels as though they are facing life's challenges alone, as if they were invisible.

And we have had fun. 8 State fairs, 45 parades, 62 counties, and more than 4,600 events across the State. But who is counting?

As I look back somewhat wistfully, and look forward hopefully, as I seek now to serve the country in a new role sustained by the same values that have moved me for nearly 4 decades in public service, I am grateful to my colleagues in the Senate, to the superb Democratic staff, to my own staff here and across New York, to my supporters, and to the people of New York for this opportunity and responsibility that has meant the world to me.

I may not have always been a New Yorker. But know that I will always be one. New York, its spirit and its people, will always be part of me and part of the work I do.

I look forward to continuing to work with my colleagues in the Senate, albeit if confirmed, in a new capacity, through this challenging time, at this defining moment, always with faith in Americans, led with intelligence and grit, and optimism for all that we can achieve by working together.

Mr. President, I am so honored to be here at the same time with my friend and colleague whom I admire so much and have such great affection for, the Vice President-elect, Joe Biden.

I listened with enthusiasm and a lot of sentiment to the speech he delivered.
January 15, 2009

CONGRESSIONAL RECORD—SENATE

S413

a few minutes ago. And the way he evoked the Senate and the relationship that are developed here and the work that is done on behalf of our country was as good as I have ever heard it.

So I am deeply honored and privileged to be here with him and to address this Chamber as a Senator from the great State of New York, perhaps, if I am confirmed, for the very last time, and particularly amongst colleagues we have come to respect and like so much, and whose work I believe is always in the best interests of their States and their country, even when we are not in agreement.

I am grateful for the support and vote of confidence I received earlier this morning from the Senate Foreign Relations Committee. And I am eager, should I be confirmed, to get to work with the President-elect and with the Vice President-elect and with all of you, to love being in the Senate working alongside public servants of both parties who bring their expertise and enthusiasm to the difficult, painstaking, and occasionally contentious work of transforming principles into policy and policy into law.

I also have been fortunate during these past 8 years to have been served by what I objectively believe is the best Senate staff ever in Washington and throughout New York. This incredible group of people has been assembled, led, and inspired by my chief of staff and my friend, Tamera Luzzatto. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the names of all of those who have worked to keep faith with my fellow New Yorkers.

I well remember, when I first arrived in the Senate, there were a few skeptics wondering what I would do and how I would do it. There were stalwart supporters and people such as my friend, Senator BARBARA MIKULSKI, who kind of read me the rules of the road and set me straight.

No sooner had I figured out the way around the Senate, actually had just moved into my office, which all of our new colleagues will eventually be able to enjoy, and had gone off on my first August recess when I was on the other end of Pennsylvania Avenue, understood why the Senate went on recess all the time. But after the intensity of the workload and the extraordinary pressure of both the work here in Washington and the constituency work in our States, I was thrilled and relieved to see that August recess roll around.

Shortly after we returned in 2001, our Nation was attacked on 9/11. The toll that was devastated in New York were the heaviest burden. Here I was, a very new Senator, and my city and my State had been devastated. Nearly 3,000 lives were lost, the World Trade Center in ruins, a toxic cloud of debris and poison raining down over our first responders and others.

I well remember the rallying of support and sense of common purpose that all of my colleagues and the citizens of all of the States represented here showed toward my city and toward New York. Many of you offered not only kind words but specific deeds. Senators sent staff members to help answer the ringing phones in our office and throughout New York. Many of you, Senator NOYEE, Senator COCHRAN, and others on the Appropriations Committee—I see Senator HARKIN and Senator MURRAY—you have been there with us as we have worked to recover.

I am very proud of the progress that has been made bringing New York back and securing funding for the essential programs to provide health screening and monitoring and treatment for all of those who still are suffering.

I have developed close and lasting relationships with many of the victims and the families of the victims of 9/11. I applaud and thank them for their courage and their fortitude in not only fighting for the health benefits that were so desperately needed but for the very idea of the creation of the 9/11 Commission, for trying to do better on threat assessments, more resources for first responders, committed, despite their grief, to smarter policies to prevent future attacks on our Nation.

I see what we did together, and then quickly followed by that the anthrax attacks, and I remember with such incredible gratitude how we all came together. We should not only come together with that connection and commitment in time of disaster. This is an opportunity for us to pull together, with the new administration, to make a real difference, a lasting difference for our Nation. That is what I have tried to do as a Senator from New York.

It has been a privilege working to improve the upstate economy, working on behalf of the farmers of New York. I remember a short conversation one day with KENT CONRAD, BYRON DORGAN, TOM HARKIN, and MAX BAUCUS early after my arrival about how I wanted to help agriculture in New York.

The air was acrid. The thick smoke made it hard to breath. It burned your throat and your lungs. I knew then there would be lasting health problems forever for anyone who was exposed over any period of time to that air that carried so much death and destruction.

Two days later, Senator SCHUMER and I went to the Oval Office and secured a commitment from President Bush for $30 billion in national aid for New York’s recovery. In the years that would follow, he and I have stood side by side to fight for the successful delivery of that money as promised. In this arena and in the arena I would have had Senator SCHUMER as my partner and my ally. No one fights harder or is more determined, and even though I am leaving the Senate and we will no longer serve together, I know whenever I am working in New York, all I have to do is turn on the television, especially on Sunday in New York.

Over the past 7 years, thanks to so many of you, Senator INOUYE, Senator COCHRAN, and others on the Appropriations Committee—I see Senator HARKIN and Senator MURRAY—you have been there with us as we have worked to recover.

Some 10 years ago, I asked the people of New York to take a chance on me, to grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, I have worked to keep faith with my fellow New Yorkers.

I ask unanimous consent to have printed in the RECORD a pore. Without objection, it is so ordered. (See exhibit 1.)

Mrs. CLINTON. I ask unanimous consent to have printed in the RECORD a catalog of the work and achievements which they have brought about.

The Acting PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mrs. CLINTON. In the Federalist Papers, we often hear the reference to the Senate’s role, to aver the consequences of “sudden and violent passions,” and “intemperate and pernicious” with “abuses.”

Well, to the everlasting credit and wisdom of our Founders, we do come together in an effort to find common ground.

As I look back on my 8 years of service, I find myself reflecting on this tiny piece of Senate and American history. Some 10 years ago, I asked the people of New York to take a chance on me, to grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, I have worked to keep faith with my fellow New Yorkers.
They looked at me so quizzically and said, you have farmers in New York? I said, yes, in fact we do, about 30, 40 thousand family farms. 

KENT CONRAD looked at me and he goes, you know, I do not believe that at all. So I gave a speech one day with a picture of a cow and said that the cow that lives on a farm, and the farm is in New York. We had a lot of fun kidding each other but working hard together.

I am grateful for the incredible efforts we made to support the people who do the hard work in New York and America, who get up every day and do the very best they can.

In the Finger Lakes region in the North Country, we helped to expand broadband access and partnered with eBay to create a way for people to have a global marketplace, when before the market was limited to a very small region of our State.

We looked for ways to retrofit trucks and schoolbuses and other heavy vehicles with new clean diesel technologies developed by two great companies in New York, in Corning and Jamestown, to clean up our environment.

We created the first ever greenprint for Buffalo, the greenprint, really, for how the city can harness its extraordinary research institutions and their business leadership and others to come up with a way to be a clean energy leader.

We worked across the State to target investments from Bioinformatics in Buffalo to cultural icons such as the Stanley Theater in Utica. I took special pleasure in working with tourism because New York is such a great place of historic culture that I believed it needed to be given more support. For me, going to Seneca Falls, the home of the National Women’s Hall of Fame and site of the landmark Women’s Rights Convention, the first in the world in 1848, was a labor of love.

There is a lot to look back on with great nostalgia and a lot of excitement, but I want to look forward now because we are at a turning point. I know that very well, as all of you do. Our challenges will be to come together, putting aside partisan differences and even, insofar as we can, geographic differences to meet the challenges of our time. I know our two leaders are struggling to do that as we speak. But I think this could be a golden era of the history of the Senate. This could be a time when people will look back and say: You know, you never can count America out. Whenever the chips are down, whenever the chips are down, we extend peace and prosperity and progress throughout the world. I am very excited about what can happen in the next 4 years. There is a lot of work ahead of us, but I know the people in this room and those more than up to it.

Finally, to my fellow New Yorkers, I wish to express my profound gratitude. I loved being your Senator. Serving you has been the opportunity of a lifetime. It gave me the chance to continue the work of my life, to advocate on behalf of every single child’s chance to live up to his or her God-given potential, to fight hard for those who too often do feel invisible, to remedy the wrongs that have not done either today or in the next few days to pass the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act, to do what we know will give our fellow Americans a better shot at the kind of future that I so crasssp. I have had a lot of fun: 8 State fairs, 45 parades, 62 counties, more than 4,600 events across the State. I look back wistfully, and I look forward hopefully. I now, if confirmed, will have the high honor of serving our country in a new role, but I will be sustained and directed by the same values that have motivated me for nearly four decades in public service.

So to my colleagues in the Senate, thank you. I have been wonderful teachers and mentors and very good friends. And to the superb Democratic staff and their Republican counterparts who keep this Chamber going day-in and day-out no matter what late we are here and how long the workload turns out to be to and to my own staff here and across New York, to my supporters, and, most of all, to the people of the great Empire State, I may not have always been a New Yorker, but I know I always will be one, New York, its spirit, and its people will always be part of me and of the work I do.

I look forward to continuing my association with this body. We have much to do over in Foggy Bottom. We need your help to kind of clear up the fog, to give us a chance to operate on all cylinders with the direction and the resources and the improved management techniques I hope to bring to the job.

This is a challenging and defining moment, but I will always keep faith in this body and in my fellow Americans. I remain an optimist, that America’s best days are still ahead of us. (Applause, Members rising.)

EXHIBIT 1

LIST OF SENATOR HILLARY RODHAM CLINTON’S STAFF, PAST AND PRESENT


David Garten, Ann Gavaghan, Sarah Gegenheimer, Gigi Georges, Katie Geyer, Robin Gibbs, Goldie Rebello, Goldberg, Stacey Gordon, Jennifer Hanley, Monica Hanley, Beth Harkavy, Jennifer Harper, Jennifer Heeter, David Heilfieinbein, Darrin Herman, Frances Hing, Christine Ho, Melissa Ho, Joe Housholder.

Kara Hughes, Jehmal Hudson, Lucy Walker Irving, Lindsey Katherine Jack, Kelly James, Tiffany Jeanies, Jefferson Jackson, Lauren Jlhoty, Kenen Johnson, LaToya Johnson, Michael Kanick, Judy Kaplan, Wendt Katz, Peter Kaufmann, Jim Keane, Cristine Kelley, Michelle Kessler, Yekyu Kim, Heather King, Joshua Kirehem.

Danielle Kline, Kathleen Klink, Benjamin Kobren, Justin Krebs, Jennifer Kritz, Michelle Kriohn-Friednson, Laura Kroczek, Grant Kevin Lane, Elizabeth Lee, Joyce Lenard, Alexandria Lewin, Andrew Lewis, Rachel Alice Lewis, Susan Lisagor, Eric Lovecchio, Jonathan Lovett, Frank Luk, Tamera Luzzatto, Ken Mackintosh, Sharlyn Magarion.


Carrie Torres, Tam Tran-Viet, Leo Trasende, Lacey Tucker, Dan Utech, Lona Valmoro, James Vigil, Lorrain Vories, Kristen Walsh, Greg Walton, Enid Weishaus, Nicole Wileit, Joshua Williams, Jeanne Wil, Erica Woodard, Yajaira Yepes, Maryanna Zubok.

EXHIBIT 2

SENATOR CLINTON: CHAMPION FOR NEW YORK

For eight years in the United States Senate, Hillary Rodham Clinton has been a champion for the people of New York, achieving results often in the face of tough challenges and tougher odds. That has been the hallmark of her tenure: Senator Clinton has fought to solve problems, working with Democrats and Republicans, forging new state and local partnerships, proposing creative and common-sense solutions, and drawing national attention to challenges and opportunities in New York State.

Senator Clinton has fought for New York when New York has needed a fighter most. These past eight years, New Yorkers have...
faced challenges among the toughest in our state’s history and tragedy among the most devastating in our nation’s history.

From the time of her election in 2000, and following re-election in 2006, Senator Clinton continued the work she’s pursued for more than 3 years in public service as an advocate for children and families, our nation’s women and human rights, a leader on health care, and a voice on behalf of all those who have felt invisible.

Standing up for New York after 9/11
Creating Economic Opportunity
Meeting Our Responsibility to Service-members and Veterans
Driving Change in Health Care
Standing Up for Women’s Health
Advocating for Children and Families
Leading a New Economic Future
Addressing Infrastructure Challenges

STANDING UP FOR NEW YORK AFTER 9/11

In the aftermath of the attacks of September 11, 2001, Senator Clinton worked tirelessly on behalf of the victims and their families and New Yorkers who needed a strong voice in Washington.

Just three days after the attacks, Senator Clinton and Senator Charles Schumer went to the Oval Office and secured a commitment from President Bush for $20 billion in federal aid for New York’s recovery. In the years that followed, they fought successfully to make sure that all of the funding promised to New York was delivered.

Senator Clinton’s first visit to Ground Zero was on September 12, 2001, and she quickly recognized that there would be lasting health problems for first responders and others who rushed to provide assistance after the World Trade Center attacks as well as for workers, residents, students and others exposed to the toxic cloud of debris and chemicals around Ground Zero. She fought for that funding, and secured $553 million in funding for, programs to provide health screening, monitoring and treatment for first responders, building and construction trades workers, volunteers, residents, office workers, and students suffering health effects and stood up again and again to stop the Bush Administration’s efforts to slash funding for this critical care.

The attacks of September 11 also underscored serious gaps in our homeland security. Senator Clinton worked tirelessly with families who were tragically affected by 9/11 to demand the creation of the 9/11 Commission and then to implement its findings, including that our first responders and those who have the resources and support they need to meet our crucial homeland security demands and pressing for threat-based homeland security funding.

CREATING ECONOMIC OPPORTUNITY

Senator Clinton worked across the aisle to address the economic downturn facing New York and harness the state’s talent and resources—firing New York workers, she successfully extended unemployment insurance. She was a driving force behind raising the minimum wage and helped secure in law the first increase in a decade.

Senator Clinton co-authored a law that expanded Renewal Zones with incentives for job creation across Upstate New York. And when the additional legislative change hit roadblocks in the Republican-controlled Congress, Senator Clinton rolled up her sleeves and developed creative strategies to encourage economic development, expand markets for New York businesses and producers and create jobs.

In the Finger Lakes and the North Country, she worked with universities and local companies to organize public-private trading cooperatives which provide small businesses with technological support, microloans, and training programs to sell goods online and improve their sales.

Senator Clinton saw that New York City’s restaurant industry was losing out of state at the same time that upstate farmers and producers were struggling, so she launched Farm-to-Food that has helped New York farmers and producers sell their products to New York’s restaurants, schools, colleges and universities.

She brought Artspace to Buffalo, creating a thriving model for urban revitalization and economic development centered on cultural projects, and secured funds to renovate downtown Buffalo’s historic Proctors Theater in Schenectady, the Stanley Theater in Utica and the Strand Theater in Plattsburgh.

She helped secure the funds needed to expand broadband access to rural and underserved areas in the North Country and championed an agenda that would create new investments in broadband infrastructure throughout the state.

Senator Clinton also saw the need to better showcase Upstate innovation to potential investors. She helped launch New Jobs for New York, a non-profit organization that brought together more than 2,600 entrepreneurs and investor groups across New York and shined a spotlight on 200 companies across New York, helping them to obtain the investment capital, strategic partnerships and the need to grow their businesses and create jobs.

She has also intervened to prevent jobs from leaving New York and was in the forefront of several large employers maintaining their presence and their workforce in the state.

Senator Clinton advocated for New York businesses and research institutions, securing more than $837 million in funding for cutting edge defense projects throughout the state and millions more for alternative energy, nanotechnology and other innovation.

She championed creating a business environment that encourages investments in research and development and has been instrumental in the renewal of the R&D tax credit that supports thousands of high skill jobs in New York.

Meet your Responsibility to Service-members and Veterans

As New York’s first Senator to serve on the Senate Armed Services Committee and as the only member of the Senate to serve on the U.S. Joint Forces Command’s Transformation Advisory Group, Senator Clinton served as a leading advocate for our men and women in uniform, military families, and veterans.

When the Bush Administration targeted several New York military bases for closure, Senator Clinton worked with base communities to prevent all of the proposed closures. Together, they ensured that Niagara Falls Air Reserve Station, Rome Labor Fitness and Accounting Service (DFAS) in Rome remained open and that the C-130 mission remained at Stratton Air National Guard Base.

Her emphasis on correcting the potential loss of thousands of jobs into a gain of hundreds of new jobs helped to preserve and strengthen New York’s vital role in our national security.

Senator Clinton was one of the first to recognize and address troubling gaps in health care and health monitoring for our military veterans. When she began her career as First Lady, she secured in law health tracking for all servicemembers after it was revealed that there was no baseline health care for Iraq and Afghanistan veterans.

She worked to see that all that active-duty personnel and reservists receive regular health screenings.

Senator Clinton worked across the aisle to secure in law access to TRICARE military health care benefits for all drilling members of the guard and reserve.

Senator Clinton also secured in law the first ever expansion of the Family and Medical Leave Act to enable military family members to take up to six months of leave to care for seriously injured loved ones suffering from serious injuries affecting their bodies and minds that require care from family members who would fully secure the VA disability benefits claim system to cut red tape and help wounded servicemembers receive the benefits they have earned. She also secured in law assistance for family members caring for loved ones suffering from traumatic brain injury (TBI), the signature wound of the wars in Iraq and Afghanistan, and established a Department of Defense Task Force to assess the mental health challenges facing wounded warriors, including post-traumatic stress disorder (PTSD). Senator Clinton fought and succeeded in stopping the VA’s plan to close the Canandaigua VA Hospital.

DRIVING CHANGE IN HEALTH CARE

Senator Clinton distinguished herself in this fight as a leader and sponsor of legislation breaking our broken health care system and ensuring that all Americans have access to quality, affordable health care.

She worked with members on both sides of the aisle and with health providers across New York to press for needed change to improve quality, reduce costs and expand accessibility.

Senator Clinton saw that all too often family caregivers are the ones who struggle, largely unnoticed and unaided by our health care system, to provide personal care for critically ill loved ones with Alzheimer’s and other debilitating conditions. She became their champion, authoring and successfully passing the Family Caregiver Support Act to ensure that caregivers are eligible for thousands of children who otherwise would be uninsured, including nearly 400,000 children in New York.

She used her unique public platform to spotlight the upside down incentives in our health care system, calling for an emphasis on wellness and prevention of chronic diseases that are driving up health care costs. And she was vigilant against Bush Administration efforts to roll back health care for New York’s most vulnerable, stopping a shortsighted attempt to close community health clinics that are the primary source of health care for many low-income New Yorkers and brokering a compromise that prevented the loss of tens of millions of dollars in Ryan White CARE Act HIV/AIDS funding for New York.

STANDING UP FOR WOMEN’S HEALTH

Senator Clinton served as a steadfast defender of women’s health and a leading voice against the Bush Administration’s efforts to put ideology before science. She successfully pressed the Bush Administration for a deci- sion to ban an emergency contraception pill more than after more than three years of delay.

She spoke out against administration efforts to
LEADING THE WAY TO A NEW ENERGY FUTURE

Senator Clinton pushed successfully for more funding for Head Start programs that benefit nearly 50,000 low-income New York families and pushed for the expansion of Early Head Start programs among national priorities in recognition of the importance of a comprehensive zero to five early childhood system. She also secured legislation to place additional teachers and principals in the schools where they are most needed.

Senator Clinton fought for and succeeded in expanding eligibility to affordable loans under Pell Grants, including year-round Pell for non-traditional students, so that more students who want to attend college will get the opportunity, regardless of their background or circumstances. Senator Clinton also championed public service, securing the funding needed to maintain AmeriCorps and enable more Americans to serve in their communities in exchange for assistance with college costs.

LOADING THE WAY TO A NEW ENERGY FUTURE

From her first days in office, Senator Clinton made it a priority to protect New York’s natural resources and develop New York’s potential as a leader in alternative energy. She secured in law environmental protection for Long Island and the Great Lakes.

Senator Clinton also helped pass a new law to clean up polluted land known as brownfields, and worked to bring together developers, environmentalists, and local leaders from across New York to redevelop blighted properties.

Senator Clinton was an early advocate for harnessing alternative energy as an engine of economic growth, working with public and private partners across New York to pioneer new green technologies. She secured in law major federal funding for New York to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in New York. She also worked to ensure that new engines manufactured in Jamestown. In Rochester, Senator Clinton worked with local leaders to develop the first in the nation urban “green print” to increase the state’s green infrastructure, including in the law new pollution controls for construction equipment and creation of a commission to chart the nation’s transportation future.

In the wake of the tragic Minnesota bridge collapse in 2007, which dramatically underscored the urgency of our infrastructure needs, she secured in law legislation to address the deteriorating condition of our nation’s roads, bridges, drinking water systems, dams and other public works. She also successfully pressed for increased funding for Amtrak and high speed rail and to reduce flight delays and ease congestion in New York’s crowded airspace.

For nearly four decades, Hillary Rodham Clinton has dedicated herself to public service, as an attorney twice voted one of the most influential in America, a First Lady of Arkansas who worked to expand the state’s health care and education systems, a First Lady of the United States who fought for families at home and women’s rights around the world, and as a tireless advocate for quality affordable health care for all Americans, and as a twice-elected United States Senator who was a tireless champion for the voices of those too often silenced. This document is a snapshot of Senator Clinton’s efforts and accomplishments for New York in the Senate, but she has also worked across the Empire State to help communities tackle local challenges and capitalize on their unique opportunities.

THE ACTING PRESIDENT pro tempore

From her first days in office, Senator Clinton made it a priority to protect New York’s natural resources and develop New York’s potential as a leader in alternative energy. She secured in law environmental protection for Long Island and the Great Lakes.

Senator Clinton also helped pass a new law to clean up polluted land known as brownfields, and worked to bring together developers, environmentalists, and local leaders from across New York to redevelop blighted properties.

Senator Clinton was an early advocate for harnessing alternative energy as an engine of economic growth, working with public and private partners across New York to pioneer new green technologies developed in New York. She also worked to ensure that new engines manufactured in Jamestown. In Rochester, Senator Clinton worked with local leaders to develop the first in the nation urban “green print” to increase the state’s green infrastructure, including in the law new pollution controls for construction equipment and creation of a commission to chart the nation’s transportation future.

ADDRESSING INFRASTRUCTURE CHALLENGES

As a member of the Environment and Public Works Committee, Senator Clinton in 2005 helped craft major transportation legislation reauthorized every five years that sets the nation’s investment in our highways and mass transit. In her role as a key negotiator, Senator Clinton secured over $3.9 billion in transportation funding for New York, a substantial increase of approximately $3 billion over the previous bill. She also succeeded in including in the law new pollution controls for construction equipment and creation of a commission to chart the nation’s transportation future.

The battle over how best to improve our nation’s roads, bridges, drinking water systems, dams and other public works is one that has spanned the lifespan of nearly all of us. Senator Clinton has led a fight to ensure that none of our communities have to bear the burden of infrastructure needs alone. As a First Lady of Arkansas who worked to expand the state’s health care and education systems, and as a First Lady of the United States who fought for families at home and women’s rights around the world, Senator Clinton has been a tireless advocate for quality affordable health care for all Americans, and as a twice-elected United States Senator who was a tireless champion for the voices of those too often silenced. This document is a snapshot of Senator Clinton’s efforts and accomplishments for New York in the Senate, but she has also worked across the Empire State to help communities tackle local challenges and capitalize on their unique opportunities.

After serving her country 8 years as First Lady, when most people would retire, Senator Clinton decided to return to work. She worked as a vital and powerful advocate on behalf of the people of New York. Going from the White House to White Plains, Senator Clinton has continued to show as much acumen in her dealings with national and global leaders as she did when she was a First Lady. Senator Clinton is a great public servant.
in the Senate, working on issues of national policy and international importance, from national security to early childhood education. In all of her many roles as a public servant, HILLARY has always shown the insight to see the heart of the problem and the courage to tackle it and the talent to solve it. That is the trademark of HILLARY—insight, courage, talent, all applied for the betterment of the people of New York, the people of America, and the people of the whole world. No matter how abstract the problem, no matter how esoteric the question, HILLARY has never once forgotten the people whose lives and happiness depend on her work.

So HILLARY, yes, it is a bittersweet day, but I am so joyful about the excitement—it is palpable—that you exude going on to this new challenge. I am also—and I know every one of the people of New York is as well—grateful for the wonderful job you have done serving them and us. It has been a great ride. I am so grateful, again, for the opportunity to work alongside of you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I join with the Senator from New York, Mr. SCHUMER, in giving a tribute to our dear friend, Senator HILLARY RODHAM CLINTON. How special it is today that, as she gave her farewell speech, we are literally within minutes on the brink of a vote to proceed to the Lilly Ledbetter Fair Pay Act. Senator CLINTON has been a champion for women, a champion for the opportunity of women, and was the lead on introducing the Lilly Ledbetter Fair Pay Act. How terrific it is that as she gives her last speech on the Senate floor, we will be voting on something for which she has been a champion.

She has been a champion for women both here and around the country, for their economic security, their health security, and also for women around the world, both in her work as First Lady and here in the Senate, whether it was to make sure to work with our current administration to have access to education for Afghan girls, but also as First Lady with the women of the world to make sure, through her project, Vital Voices, women had those voices.

She has been a champion all of her career, whether at the Legal Defense Fund, as First Lady, or now as a Senator of the United States, she has always made sure she has stood up for those who had no voice, and she has used her voice to speak for them. That is what we know she will continue to do.

But I think what we also admire about Senator CLINTON is, she is not only at home with world leaders with whom she will certainly work in her new job but with community leaders as well.

She spoke eloquently about her challenge and Senator SCHUMER’s challenge on that despicable and horrible day of 9/11. But I also want to talk just very quickly about September 10 because while we know Senator CLINTON is a woman of great integrity, keen intellect, and is a can-do person, many do not know she is the wonderland of a wonderful bipartisan relationship in which she has tried to engage in this body. So let me tell you as one of the women of the Senate where we were on September 10.

The night before that terrible day, we were honored to have her on affectionately calling her HILLARY. All of the women, on a bipartisan basis, were there because, guess what we were doing, Mr. President. We were throwing Senator KAY BAILEY HUTCHISON a shower. Senator KAY HUTCHISON had just adopted a child. We were so enthusiastic, and we, the women of the Senate, do what women do all over America, we threw Senator KAY a shower, and we gathered at HILLARY’s house. We had great food, a couple of drinks that we were able to drink more than we told stories. We teased KAY. I volunteered to be Aunt BARB, and she knew I had many talents, but baby-sitting would not be one. We had such a wonderful time. But that was not the only time, as she has worked with all of us. But it shows the warmth and the way she goes about that.

We will always cherish where we were that night because it was special because the next day was so stunning. I could give many examples about it, but we know she has been a tenacious advocate for the people of New York, a leader on crucial issues, a respected colleague, and a dear friend. We are going to miss her, but we know as the Secretary of State she will be a new voice of America. And America does need a new voice.

Senator CLINTON, we know you are going to get us back on track. You are going to work with President Obama to restore our national honor, to repair those friendships around the world which we desperately need. And as you have been in so many things, we know you will be unflinching on human rights and unfailing in strengthening America’s alliances abroad. We will work together on those issues, and we know you will be a great Secretary of State. You have been a spectacular Senator, and it is because you are just simply a wonderful human being.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I say to my good friend from New York, through the Chair, I believe the new President could not have made a better selection for Secretary of State. Senator CLINTON has had a unique career in the Senate, actually having only been here 8 years, but nevertheless a candidate for President of the United States who has actually been to Hazard and Pikeville, KY. That should give her an extra edge in this new responsibility which she is about to assume.

I say to the Senator from New York, with whom she will certainly work with some of the issues which we shared a passion during her years as Secretary of State. I know she will do an outstanding job. She has been a credit to the Senate and will be one of the Nation’s outstanding Secretaries of State.

Mr. BYRD. Mr. President, as I think about Senator CLINTON’s leaving the Senate to become Secretary of State, I am reminded of the words of the great English bard William Shakespeare, who wrote that “parting is such sweet sorrow.”

Senator CLINTON’s departure from this chamber is a time for joy as well as sorrow. HILLARY CLINTON has been an effective, hard-working Senator.

When Senator CLINTON first came to the Senate in 2001, she asked my advice. Although Mrs. CLINTON had been an accomplished and graceful First Lady, I told her that she wanted to excel at working for the State of New York.

I advised her to be a work horse about her new role as a Senator and a work horse she has been, and the people of her State have benefitted.

Following the terrorists attacks of September 11, 2001, she and I worked with Senator SCHUMER to secure financial aid for New York City to help the city recover from that terrible tragedy. For that, she has since referred to me as the “third Senator from New York,” and I am very proud of that designation.

Senator CLINTON and I have worked together on legislation for the withdrawal of American forces from Iraq, served on the Budget Committee together, and worked on several important appropriations issues.

Senator CLINTON has been an active and aggressive Senator, always mindful of the traditions of this great Chamber. She has won the respect and admiration of everyone.

In her 2008 Presidential bid, HILLARY CLINTON broke down barriers for women all across this country, and inspired many of them to pursue their own hopes and dreams of a future in politics.

I will miss Senator CLINTON. This Chamber has been graced by her eloquence, intelligence, and her natural leadership.

Mrs. Clinton’s 8 years as our country’s First Lady, and her 8 years in the US Senate, where she served on five different Senate committees, including the Senate Armed Services Committee, certainly qualify her for the high honor of being Secretary of State. She will
shine in that office because of her sound judgement, keen intellect, sharp wit, infectious charm, and powerful commitment to making this world a better place.

I congratulate Senator Clinton on her moral and political courage, and wish her the best of luck and success. These are troubled times and she will have a most difficult job in the years ahead. Speaking at her graduation at Wellesley College, Hillary Clinton declared that, “the challenge now is to practice politics as the art of making what appears to be impossible, possible.”

I say go to it Secretary of State-designate Clinton. If anyone can make “what appears to be impossible, possible.” Secretary of State Hillary Rodham Clinton can and will.

Mr. Reid. Mr. President, I have known Hillary Clinton for many years, but for the past 8 years I have had the pleasure of working with her as a colleague in the U.S. Senate.

Peers across the political spectrum agree that Senator Clinton is one of the brightest, most highly accomplished U.S. Senators.

Born in the hometown of our President-elect—Chicago—Hillary Clinton graduated from Wellesley College, where she was the first student in the school’s history to deliver her own commencement address—not a Governor, a U.S. Senator, dean, or the university president.

She then attended Yale Law School, where she met her future husband and our future President, Bill Clinton.

After law school, she worked for the Children’s Defense Fund and served as a member of the Watergate inquiry staff in the House of Representatives.

When the Clintons moved to Arkansas, Hillary became a successful attorney in private practice and served as the State’s First Lady.

We all know that she was a remarkable politician, leading the way on health care reform, helping create the State Children’s Health Insurance Program, as well as the Violence Against Women Act.

We also know that she was not just a leader for domestic policy, but also became an admired and effective diplomat throughout the world, especially in her call for human rights.

When Senator Clinton came to the Senate 8 years ago, some expected her to have a hard time fitting in. Those concerns quickly disappeared—she was a natural. She has proven in her time here to be exceptionally adept at the give-and-take of the legislative process.

As a result, in just 8 years, she has left an indelible mark, especially through her seats on the Health, Education, Labor and Pensions Committee, the Environment and Public Works Committee, the Special Committee on Aging and the Armed Services Committee.

As with Senator Biden, the departure of Senator Clinton is bittersweet. She brought a wealth of knowledge, skill and wisdom here, and she will be sorely missed.

But after the last 8 years—with so much work ahead to repair our country’s once-lofty stature in the world, I can think of no one better suited for the challenges ahead than the Senator from New York, Hillary Clinton, our next Secretary of State.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

LILLY LEBETTER ACT

Mr. CORNYN. Mr. President, I, too, would like to congratulate Senator Clinton on her nomination to be Secretary of State; and, alas, there is other work left to do in the Senate, as the Senator from Maryland alluded to, the Lilly Ledbetter Act, for which we will be voting on cloture in a minute. So I have a few words I would like to add specifically on that topic.

We will have a moment to discuss the so-called Lilly Ledbetter Act, and I think it is important to reflect a little bit on what that bill would actually do because, honestly, I think it has been characterized as a bill that will protect women’s rights. Indeed, I think it has been characterized as a bill that will protect women’s rights in the case of two daughters I am in favor of not just cracking the glass ceiling but breaking it altogether.

But, actually, this bill, has a much broader impact and perhaps unintended affects. Those who believe it is only about protecting women’s rights. Indeed, what the Lilly Ledbetter Act would do is eliminate the statute of limitations. That sounds like an arcane topic for lawyers that only lawyers could love, but basically what it would do in the case of Ms. Ledbetter—who had waited almost two decades before she raised her discrimination claim, long after the principal witness who could have testified in opposition to that claim had died—indeed, the purpose of the statute of limitations is to make sure the documents and the memories and, indeed, the very existence of those who might be able to give testimony can be preserved so the jury can make a good decision. But, indeed, if you wait 20 years before you assert your rights, and after the principal witness who could testify in opposition to your claim has died, that is not exactly fair.

So, Senator Hutchison, my distinguished senior Senator from Texas, will have an alternative which I hope will be effective. I expect it will be offered as an alternative and substitute, which I believe is fair to both those who bring a claim of discrimination and those who have to defend against it.

Indeed, I mentioned a moment ago I am the father of two daughters, now 27 and 26. Many small businesses that are created in America today are headed up by women. Indeed, we need to make sure those small businesses have some certainty, have some rules they can rely on in terms of knowing when they are likely going to be sued.

I think the Ledbetter Act could more appropriately be called a trial lawyer bailout. The law premised on the idea that one can slumber on their rights and never have to assert them and, indeed, fight an uneven fight because those who have to defend against them can no longer defend against them because the witnesses are no longer available.

Indeed, at a time when this country is in a recession, I think it is appropriate to point out that no country has ever sued its way out of a recession.

Yet the bill that comes to the floor on which we are called upon to vote—the very second bill that is presented to this Senate in the midst of this economic crisis—is one that would effectively, as I said, eliminate the statute of limitations in employment litigation so trial lawyers can bring multi-million-dollar lawsuits over decades-old workplace disputes.

There are many good policy reasons, as I mentioned, why it is important to have those statutes of limitations, but it is particularly true in employment cases where a person’s subjective intent can be the decisive issue that the factfinder has to decide, where memories of the past can be colored by decades of subsequent workplace experience.

Another important policy behind the statute of limitations is called repose. The idea that people should be allowed to move on with their lives without the constant fear of being sued for something that happened 20 years previously.

Again, during times of economic uncertainty, the Ledbetter bill would create not more certainty but more uncertainty. As I suggested earlier, small businesses would suddenly be exposed to new liability for acts that may have occurred years or even decades before.

I also think it is particularly true in employment cases where a person’s subjective intent can be the decisive issue that the factfinder has to decide, where memories of the past can be colored by decades of subsequent workplace experience.

There will be no way for small businesses and large businesses alike to quantify this risk because there is no way to know which of the employees may have had a secret grievance they have been harboring for many years just waiting for the opportunity to present the claim at a time when it cannot be adequately defended.

Worst yet, this bill would actually encourage plaintiffs and their lawyers to strategically lie in wait, delaying their employment lawsuits for years while damages accumulate.

Now, this does not help anybody except for perhaps the lawyers and the clients who can take advantage of this one-sided equation. Why sue promptly and limit your damages if a few months of back wages when you can wait 5 years and sue for 5 years of back wages? This can be especially rewarding to a plaintiff who strategically sue
when you consider that during that 5 years, the plaintiff can diligently be preparing a lawsuit while the defendant is ignorant about the very grievance itself, perhaps, and memories and records fade.

So I think it is important, as we go into this bill, that it be characterized as the Trojan horse that it is. This is just the beginning. If you eliminate the statute of limitations in employment discrimination claims, why not eliminate the statute of limitations in other claims, such as negligence, professional malpractice, any other business disputes, and the like? It is just not fair, and it is not right. We should not allow this bill to be represented as a blow for women's equality and women's rights because it simply is much broader and has much more of a broader implication than that.

I am convinced this bill is actually a solution in search of a problem because it is worth noting that in fiscal year 2007, a total of 82,000-plus people timely filed complaints of employment discrimination with the EEOC. It is important to ask what prevented Ms. Ledbetter from doing exactly the same thing, from filing her complaint at the time she knew that perhaps she had a grievance that could be presented to the employer.

So I thank you, Mr. President, for the opportunity to speak briefly on the bill. Assuming cloture is adopted, I hope we will be taking up Senator Mikulski's amendment No. 15, to change the enactment date.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mrs. McCaskill). Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 23
On page 296, strike lines 8 through 25.

AMENDMENT NO. 24
Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

AMENDMENT NO. 25
On page 526, line 2, strike “2” and insert “5”.

AMENDMENT NO. 26
On page 974, line 19, insert “the Secretary of the Army, acting through” before “the Chief”.

AMENDMENT NO. 27
On page 1188, line 19, strike “or” and insert “or”.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 23 and 24) were agreed to.

COLORADO RIVER BASIN MANAGEMENT ACT

AMENDMENT NO. 28
On August 27, 2008, the Governors' representatives on Colorado River Operations sent a letter to me and Senator Domenici, then the ranking member of the committee, requesting certain modifications to the Northwestern New Mexico Rural Water Projects Act. These modifications, which were subsequently incorporated, reflect the joint
consideration, input and understandings of the Governors’ representatives from the Basin States concerning the act and how it relates to the interstate compacts for the Colorado River system, I want to congratulate the representatives of the Basin States for their efforts to resolve the complicated legal and operational issues associated with the Colorado River.

Ms. MURKOWSKI. I join with the chairman of the Energy and Natural Resources Committee in commending the representatives of the seven Colorado River Basin States on reaching agreement regarding certain provisions in the Northwestern New Mexico Rural Water Projects Act, and concur in the request for unanimous consent that the August 27, 2008, letter be made a part of the Record relating to the consideration of S. 22.

Mr. BINGAMAN, Madam President, I ask unanimous consent that the August 27, 2008, letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

AUGUST 27, 2008.

Hon. JEFF BINGAMAN, U.S. Senator, Committee Chairman, Energy and Natural Resources Committee, Hart Senate Office Building, Washington, DC.

Hon. PETE DOMENICI, U.S. Senator, Ranking Member, Energy and Natural Resources Committee, Hart Office Building, Washington, DC.

Dear Chairmen BINGAMAN and SENATOR DOMENICI: In recent years, the seven Colorado River Basin States, (“Basin States”), have, through extensive interstate consultation, offered and agreed upon changes designed to ensure that use and management of the Colorado River System continues to meet existing and future demands in a manner that respects and protects the interests, rights, claims and privileges of each of the seven states. Along those lines, enclosed are the Basin States’ recommended modifications to the Northwestern New Mexico Rural Water Projects Act, as reported by the Senate Energy and Natural Resources Committee on June 25, 2008, and consolidated into S. 3213, the Omnibus Water Management Act of 2008, which represents an effort to address unique, critical water supply needs in the context of Indian water rights settlements that involve the diversion of water from the Upper Colorado River Basin for use in the Lower Colorado River Basin, and support such diversions as reflected in our recommended modifications to the legislation.

Henceforth, in any consultation pursuant to Article III(a) of the Colorado River Compact, all operational and administrative actions are necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors’ Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, to resolve the main operational and decisional criteria, policies, contracts, guidelines or documents of consultants to the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to Section 303(c)(2)(B); and

(ii) Article III(B) of the Decree of the Supreme Court of the United States in Arizona v. California (477 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the States by the later works hereinafter constructed, shall be limited and reduced to offset any diversions made pursuant to Section 303(c)(2)(B) of this Act. This clause shall not affect any amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Compact within the State of Arizona (42 U.S.C. 801 et seq.).

UPPER BASIN PROTECTIONS.

Consultations. The Secretary may, at any time, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan
River Basin, the Secretary shall, consistent with the provisions of Section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, and may as may be directed or modified, confer with the States of Colorado and New Mexico.

(B)—Preservation of Existing Rights.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use or allocation of water under subsection (a) of this section. Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Compact Commissioner.

303(h) No Precedent.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

303(i) Unique Situation.—Diversions by the Project consistent with this Section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things:

(A) the intent to benefit an American Indian tribe;
(B) the Navajo Nation's location in both the Upper and Lower Basins;
(C) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;
(D) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;
(E) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and
(F) the limited volume of water to be diverted by the Project for tribal and municipal uses in the Window Rock area in the State of Arizona.

303(j) Consensus.—Congress notes the consensus of the Governors' Representatives on Colorado River drainage to Colorado's north and the States of Colorado and New Mexico in the approval of the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

The bill also includes in section 1953(g) an additional savings clause, which ensures that the Secretary of the Interior's authority to manage lands and resources within the park is not diminished. It is my understanding that this type of general savings clause does not undermine or contradict the more specific provisions included in section 1953(d) or the savings clause included as section 1953(g) does not alter or affect the provisions in section 1953(d), which make clear that the designation of the park as wilderness is not meant to affect the current and future operation and maintenance activities that were allowed as of the date of enactment under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

Am I correct in my understanding of section 1953(g)?

Mr. BINGAMAN. The Senator from Colorado is correct.

Mr. SALAZAR. Thank you, Mr. Chairman.

As with any wilderness legislation in a headwaters State, the water rights language in the Rocky Mountain National Park wilderness bill proved to be the most challenging. This legislation strikes a good balance between the protection of park wilderness resources and the Secretary's existing authority to regulate ditch rights-of-way and water infrastructure, some of which predate the existence of the park.

The Water Supply and Storage Company—WSSC—owns and operates the Grand River Ditch, which is a water supply and storage system for the Thompson River in Larimer and Weld Counties in northern Colorado. WSSC owns, operates and maintains 11 reservoirs and 7 ditch systems, including the Grand River Ditch. WSSC's system of ditches, canals and laterals is more than 100 miles in total length and provides approximately 60,000 acre-feet of water to 173 shareholders. The Grand River Ditch is an integral component of WSSC's system. WSSC holds a right-of-way for the Grand River Ditch under the Irrigation or General Right of Way Act of March 3, 1891—1910 Act—codified at 43 U.S.C §§ 946–949.

The Rocky Mountain National Park Wilderness Act itself should not cause any change in land use, land management, or water rights within Rocky Mountain National Park. Towards this end, section 1953(e) is intended to clarify that neither the Grand River Ditch nor its right-of-way will be adversely affected if the end use of water diverted by the Grand River Ditch is for municipal purposes as opposed to irrigated agriculture. The Grand River Ditch diverts water high in the Colorado mountains and transports it some 50 miles downstream to its location of use. At present, all of the water is used for agricultural irrigation; however, a portion of WSSC's stock is owned by Colorado municipalities and Grand River Ditch water will be used for this purpose in the future. No matter what the end use is, the existence of the Grand River Ditch in RMNP imposes the same burden on the park. In other words, there is no difference in land use, land management or water rights in the park, whether the end use of water is agricultural irrigation or municipal use.

In 1921, the Suprem Court approved forfeiture of a right-of-way that had never been used for the purpose of irrigation, but instead was used for developing electric power. See Kern River Co. v. United States, 257 U.S. 147, 1921. The case is distinguishable on several grounds from the Grand River Ditch, but the purpose of Section 1953 (e) is to avoid any attempt to apply a Kern River-type theory to the Grand River Ditch. Over 20 years ago the U.S. Department of Agriculture recognized this point when it said: "The end use of water off the Federal lands, as it may change over time, casts no greater burden on the Federal property to carry the water to its place of use."
ensures that WSSC and the right-of-way of the Grand River Ditch will not be adversely affected by the change in end use of GRD water.

The language of section 1933(e), "primarily for domestic purposes or any purposes of a public nature," was not lightly chosen. It was taken directly from the act of May 11, 1898, which—in the words of the great Justice Van Devanter, who is considered the most knowledgeable authority on public land law and practice before the Supreme Court—"permit[ed] rights of way obtained under the Act of 1891 [like the Grand River Ditch], the use of which was restricted to irrigation, to be also used for the other purposes named in the section," namely "purposes of a public nature" and "domestic purposes." See Kern River Co. v. U.S., 257 U.S. 147, 152-153, 1921. After more than a century, the terms "purposes of a public nature" and "domestic purposes" seem to be fairly well understood. "Public purposes" are primarily those for which the public pays—such as "purposes of a public nature" or "domestic purposes"—and "domestic purposes" are especially broad, and include municipal uses following delivery, by a potable water provider, through the Grand River Ditch or by means of another conveyance structure. We have agreed to exempt the Grand River Ditch from any restriction that conditions the existence of the right-of-way on agricultural uses and instead to allow them to make "purposes of a public nature" and "domestic purposes" the sole or predominant purpose.

The Grand River Ditch "right-of-way ... was granted on an implied condition that it should revert to the United States in the event the grantee ceased to use or retain it for the purpose indicated in the [1891 and 1898] statutes. That purpose—the main and controlling one—was irrigation." See Kern River Co. v. U.S., 257 U.S. 147, 154 (1921).

In the future, the water transported in the ditch will be used for "purposes of a public nature" and "domestic purposes" not irrigation. This transition may eventually "entitle[] the United States to assert and enforce a forfeiture of the grant. ..." 257 U.S. at 154. To address this concern, we have agreed to state in the bill that "the right of way ... shall not be terminated, forfeited, or otherwise affected as a result of the change in purpose, "unless the Secretary determines that the change in main purpose or use adversely affects the purpose of the Secretary, in his discretion, makes that determination, he would then have to assert and enforce a forfeiture of the grant in court.

Mr. BINGAMAN. Madam President, I concur in the statements made by the Senator from Colorado and thank him for working carefully with me and my staff to resolve these issues in a way that will ensure protection of park resources and provide for the continued operation of the Grand River Ditch and the Colorado-Big Thompson Projects.

Mr. FEINGOLD. Madam President, today I will vote to support final passage of the Omnibus Public Land Management Act of 2009, S. 22. While I oppose two provisions in the bill, there are many other provisions that I support.

Yesterday I voted to oppose bringing an end to debate on the bill since the procedural tactic to prevent Senators from offering amendments. I had hoped that cloture would be defeated so that we could reach agreement to allow a few amendments.

One such amendment was one I cosponsored to strike a troublesome provision that would authorize the transfer of Federal land in Alaska's Izembek National Wildlife Refuge—a designated wilderness area and internationally recognized Ramsar site—so that a road could be built. The road is purportedly to allow travel between two Alaskan communities in cases of medical emergencies. However, Congress has already appropriated more than $36 million to provide a harbor that I told crosses Cold Bay in about 20 minutes and to date has met every medical evacuation need in all weather conditions, over 30. The road, on the other hand, would need to avoid the numerous ponds and priority wetland areas. Taking a road that would not provide safer, faster, or more cost-effective transportation than the hovercraft.

Another provision that troubles me was a cosmopolitan notion to honor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County, UT, provision was air-dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, while Senator Nelson has pleased to join Senator BURBANK in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

There are two provisions in the public lands bill that will impact Wisconsin. The first is Section 5301, the "National Trails System Willing Sella
ereservation Act," which I cosponsored in the 110th Congress, S. 169, and will allow the Federal Government to purchase lands from willing sellers for two important trails in Wisconsin: the North Country National Scenic Trail and the Ice Age National Scenic Trail. I would like to acknowledge the efforts by the Ice Age Park and Trail Foundation, North Country Trail Association, Partnership for the National Trail System, and the Conservation Fund to help the National Park Service conserve these trails. This provision will establish willing seller authority as a uniform policy for the entire National Trail System, allowing these two trails and seven others to benefit from this commonsense policy.

Section 7116 of the bill also makes a technical correction to the name of the wilderness area in the Apostle Islands, now to be called the Gaylord Nelson Wilderness. Removing the "A" from the former name—Gaylord A. Nelson Wilderness—is supported by the National Park Service and Nelson's family. Though this is a small change, I do want to take this opportunity to again express my deep respect for the former U.S. Senator and Wisconsin Governor and support for the Apostle Islands National Lakeshore and the Gaylord Nelson Wilderness. In August 2005, I was deeply honored to participate in a ceremony marking the creation of the Gaylord Nelson Wilderness and honoring the remarkable life of Gaylord Nelson, father of Earth Day. I worked with Representative OBEY to obtain the wilderness designation for 80 percent of the Apostle Islands National Lakeshore, who was so essential in the effort to recognize the Apostle Islands as a national treasure and establish the national lakeshore.

Mr. LEVIN. Madam President, passage of the Omnibus Public Land Management Act of 2009 would wrap up one of the major pieces of unfinished business from last year. The majority leader promised he would take up this legislation early in 2009, and indeed he has. The omnibus bill includes four provisions that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

The lands bill includes legislation I authored that would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail. The North Country Trail will be the Nation's longest hiking trail, traversing seven States along the planned route. For nearly 10 years, I have been working on this legislation, which has been supported by the former U.S. Senator and Wisconsin Governor, by Senator NELSON—my good friend from Wisconsin. It will not only provide safer, faster, or more cost-effective transportation than the hovercraft. Taking a road that would not provide safer, faster, or more cost-effective transportation than the hovercraft.

Another provision that troubles me was a cosmopolitan notion to honor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County, UT, provision was air-dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, while Senator Nelson has pleased to join Senator BURBANK in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

There are two provisions in the public lands bill that will impact Wisconsin. The first is Section 5301, the "National Trails System Willing Seller reservation Act," which I cosponsored in the 110th Congress, S. 169, and will allow the Federal Government to purchase lands from willing sellers for two important trails in Wisconsin: the North Country Na-
January 15, 2009

CONGRESSIONAL RECORD — SENATE

 requirements for Federal funds, and increasing the authorized level of funds to be appropriated for the park, we can improve the visitors’ experience. Established in 1992, this unique park is a partnership with nearly 20 independently operated heritage sites, and manages the entire destination and preserves the incredible story of the copper rush in Michigan’s Keweenaw Peninsula during the Industrial Revolution. I am pleased that this legislation is finally being acted upon so that we can finally carry out its statutory mission to preserve and bring to the life the vibrant history of Michigan’s “copper country”—an essential part of the Nation’s history of industrial and technological development, immigration, labor relations, and natural resources, and a key component to the economic revitalization of this area.

The omnibus lands bill also provides important protections for 12,000 acres within the Pictured Rocks National Lakeshore, located in Michigan’s Upper Peninsula along the south shore of majestic Lake Superior. I introduced this wilderness bill during the last Congress, and I am pleased that one of the first legislative actions that have taken this year is to pass this bill, which would protect the Beaver Basin for future generations, while ensuring continued public enjoyment of the land. The Beaver Basin wilderness comprises about 12,000 acres, or 16 percent, of Pictured Rocks National Lakeshore, and was proposed after 5 years of careful planning and extensive public consultation.

The wilderness designation is responsive to many of the concerns expressed by citizens and ensures its continued recreational use. The access road to the lake and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, all motor boats would still be able to access the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. The Beaver Basin area has been managed as a backcountry and wilderness area since 1981, and this wilderness designation will ensure that the valuable habitat and pristine natural features of the region remain the treatment intended.

Finally, the omnibus lands bill includes legislation that I sponsored in the Senate last year as a companion bill to Representative Dingell’s legislation in the House of Representatives, which would designate land in Monroe and Wayne County, MI, related to the battles of the River Raisin fought during the War of 1812 as a unit of the National Park System. While there are currently eight War of 1812 battlefield sites that are in the National Park System across the country, people who lived in areas that were once considered the “Northwest,” a key strategic front in the War of 1812. The River Raisin battlefield sites were the place of horrific events; yet these events became a turning point that spurred our troops to future victories, protected our lands, and culminated in a celebration of America’s “Second War of Independence.” With the bicentennial anniversary of the War of 1812, I am pleased that the Senate has this legislation before it, and I look forward to the bill becoming law in time for this national celebration.

Mr. CARDEN. Madam President, S. 22, the Omnibus Public Land Management Act, includes five bills vital for increasing our Nation’s understanding of our oceans, Great Lakes, and coastal areas. The ocean bills included in this package are all strong bipartisan pieces of legislation that were favorably reported by the Senate Commerce Committee in the 110th Congress and passed the House of Representatives.

The oceans cover two-thirds of our planet, yet we know little about what lies beneath them or how the changing climate is affecting marine resources. Millions of Americans depend directly and indirectly on healthy and bountiful oceans. In 2007, our Nation’s coastal economy contributed nearly 50 percent, or $6.7 trillion, to the national gross domestic product. While our Nation relies on our ocean, Great Lakes, and coastal resources, tremendous gaps exist in our knowledge of our oceans and coastal ecosystems. This legislation reflects a long history of bipartisan collaboration in the Senate. It passed the Senate by unanimous consent in both the 108th and 109th Congresses and was reported favorably in the 110th Congress by the Commerce Committee. The provision establishes an interdisciplinary ocean exploration program to gather observations and data from areas in the ocean we have previously been unable to explore. In addition, this provision would help strengthen and coordinate NOAA’s National Undersea Research Program. The National Undersea Research Program seeks to increase scientific knowledge for the management, use, and preservation of our ocean, Great Lakes, and coastal resources through undersea research, exploration, education, and technology development.

These essential activities are imperative given that approximately 95 percent of the ocean floor remains unexplored. The undersea research provides unprecedented opportunities to discover items of natural, cultural, and economic value including new sources of minerals, drugs, habitats, species, artifacts, and shipwrecks.

The Ocean and Coastal Mapping Integration Act included in S. 22 would integrate Federal and coastal mapping activities throughout the U.S. Exclusive Economic Zone. Approximately 90 percent of our Nation’s marine territory remains unexplored by modern technology. Improved mapping of our Nation’s coastal and ocean waters will increase our understanding of the marine environment, thereby increasing the safety of navigation in our maritime domain, supporting security missions of the U.S. Navy and Coast Guard, and allowing for better management of marine ecosystems and resources. This bill also has a longstanding history of broad bipartisan support in both the Senate and House.

The Integrated Coastal and Ocean Observation System Act would build on current regional systems to establish a national integrated ocean, Great Lakes, and coastal observing system to collect, compile, and make available data to support science; weather, climate, and marine forecasting; energy siting and production; navigation; ecosystem-based resource management; and public safety. The legislation passed the Senate by unanimous consent in both the 108th and 109th Congresses. During the 110th Congress, the legislation passed the House and was reported favorably by the Senate Commerce Committee.

The Federal Ocean Acidification Research and Monitoring Act in S. 22 mandates that steps be taken to understand and address climate change and its impacts on our oceans, a much needed and important action. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth’s climate. The oceans mitigate the effects of global warming by absorbing approximately half of all this atmospheric carbon dioxide. However, as the oceans absorb more carbon dioxide, their chemistry is changing and the oceans are becoming more acidic. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee to develop a strategic research plan on ocean acidification and establish an ocean acidification program within NOAA to conduct research and long-term monitoring on our acidifying oceans and to develop adaptation strategies and techniques for conserving marine ecosystems. This legislation represents a bipartisan effort to promote climate change research and adaptation activities. The bill was reported favorably by the Senate Commerce Committee and passed the House in the 110th Congress.

The final oceans bill included in S. 22 is the Coastal and Estuarine Land Conservation Act. The U.S. population grows and more people move to the coasts, our coastal lands and ecosystems are threatened by
un sustainable development. This legislation authorizes NOAA to award competitive grants to coastal States, including the Great Lakes, to protect coastal and estuarine areas which have significant conservation, recreation, ecological, historic, or watershed protection value and are threatened by conversion to other uses.

As chairman of the Commerce Committee during the 110th Congress, I was pleased to favorably report these important ocean policy bills. Unfortunately, we were unable to pass these bills last Congress. I am glad that the Senate is considering their passage as one of the first major pieces of legislation in the 111th Congress. Our oceans, Great Lakes, and coasts provide many environmental and economic benefits to our Nation, and their conservation must be one of our highest national priorities.

Mr. ROCKEFELLER. Madam President, today the Senate will pass a comprehensive public lands bill that will protect our Nation's public lands and conserve our planet's oceans. I thank the majority leader and Senator BINGAMAN for including important bills from the Commerce, Transportation, and Related Agencies and Transportation in this package. I commend Senators INOUYE, STEVENS, CANTWELL, SNOWE, LAUTENBERG, and GIEGGE for their leadership in drafting these bills. Senator INOUYE, in particular, has aggressively advocated for improved stewardhip of our oceans and this package reflects his careful work as chairman of the Commerce Committee which has jurisdiction over our Nation's oceans. As the incoming chair of the Commerce Committee, I will continue to work closely with my dear friend and mentor Senator INOUYE on these issues. And I look forward to collaborating closely with him on oceans policy and other areas in the committee's jurisdiction that are particularly important to the Hawaii and coastal States. Our colleagues should know that the ocean and coastal bills included in the Consolidated Natural Resources Act enjoy broad bipartisan and national support because they are sorely needed and important to our Nation's environmental and economic future.

The Federal Government owns nearly 653 million acres of land in the United States. As the owner of these lands, the Federal Government has a responsibility to protect and manage our Nation's marine and coastal resources. The oceans cover two-thirds of our planet; yet, we know little about what lies beneath. We know little about what lies beneath and our efforts to sustainably manage and conserve these submersed lands and living resources are hampered by our limited scientific research and understanding of our Exclusive Economic Zone. That is irresponsible and must change. The five ocean bills included in this legislation will authorize programs necessary to increase our Nation's understanding of ocean and coastal resources and in turn will enable us to make the best possible decisions about how to manage, preserve, and protect our oceans and their living marine resources for current and future generations.

The Ocean and Coastal Exploration and National Oceanic and Atmospheric Administration Act is critical to our ability to gather observations and data from areas in the ocean that have never been explored. The legislation would establish a national ocean exploration program within the National Oceanic and Atmospheric Administration, which would conduct interdisciplinary ocean exploration voyages to explore and survey little known areas of the ocean. The legislation would establish an ocean acidification program which would conduct an ocean acidification research program to develop and provide Congress with a strategic research plan on ocean acidification.

Earth's climate. The oceans mitigate the effects of global warming by absorbing atmospheric carbon dioxide, which is changing ocean carbon chemistry and causing the oceans to become more acidic. There is significant concern among the scientific community, resource managers, and policymakers that ocean acidification will adversely impact our Nation's marine ecosystems, the food webs of many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism. The Federal Ocean Acidification Research and Monitoring Act highlights the need for action to be taken to understand and confront climate change and its impacts on our oceans by authorizing a coordinated Federal program on ocean acidification. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth's climate. The oceans mitigate the effects of global warming by absorbing atmospheric carbon dioxide, which is changing ocean carbon chemistry and causing the oceans to become more acidic. There is significant concern among the scientific community, resource managers, and policymakers that ocean acidification will adversely impact our Nation's marine ecosystems, the food webs of many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee, chaired by the National Oceanic and Atmospheric Administration, to develop and provide Congress with a strategic research plan on ocean acidification.
within the agency to conduct research and long-term monitoring, education and outreach, and development of adaptation strategies and techniques for conserving marine ecosystems.

The Coastal and Estuarine Land Conservation Program Act would authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to make grants to coastal States for the purposes of protecting important coastal and estuarine areas, increasing public access to these areas, preserving coastlines, and conserving ecological quality. This legislation would include a number of provisions that I sponsored during the previous Congress, including provisions that would allow the Secretary of Commerce to acquire coastal and estuarine lands that are threatened by development or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses, and it provides grants for lands to be managed or restored to effectively conserve, improve, or restore coastal ecological function. Estuaries, wetlands, and the watersheds that flow into them support fisheries and wildlife and substantially contribute to coastal economies. The pressures on these lands and watersheds in coastal areas threaten to impair watersheds, undermine natural protections from coastal storms, impact wildlife habitat, and cause irreparable damage to coastal ecology. As our population grows, and people moving to our coasts to enjoy their beauty and recreational opportunities. Coastal land protection partnership programs can help our Nation meet a number of diverse priorities such as promoting recreation, increasing wildlife improving or conserving ecological quality and diversity, and preserving historical or cultural resources. The legislation would foster partnership programs among the Federal Government, State agencies, local governments, private landowners, and nonprofits to effectively conserve and manage coastal lands.

Over 50 percent of our population lives along our coasts and our coastal economies are one-half of our Nation’s gross domestic product. The planet’s oceans produce an untold amount of wealth, both economic and ecological, for our Nation. What is good for the health of our coastal communities and oceans is good for the Nation. Given the reliance our citizens have on our marine and coastal resources and the large gaps exist in our knowledge regarding U.S. ocean and coastal areas, strengthening and improving our marine, coastal, and scientific will enable us to make the best possible decisions about how to manage, preserve and protect our oceans.

Mr. BINGAMAN. Madam President, earlier today, the Senate passed S. 22, the Omnibus Public Lands Management Act of 2009. As I said during the debate, S. 22 includes over 160 bills from the Committee on Energy and Natural Resources and reflects many years of hard work.

The Senate would not have been possible without the hard work of our outstanding staff. Both our ranking member, Senator MURKOWSKI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, I especially want to thank the committee’s staff director, Bob Simon, and chief counsel, Sam Fowler, for all of their work on this legislation, as on all the legislation that comes through our committee. I would also like to thank senior counsel Patti Beneke; counsel Mike Conlon; and all of the water issues included in the bill; counsels David Brooks, Kira Finkler, and Scott Miller, who coordinated all of the park and public lands bills; professional staff members Jorge Silva-Banuelos, who worked very hard on many of the New Mexico land bills; and Jonathan Epstein; and two National Park Service fellows, Karl Cordova, who worked on the committee last year, and Mike Gauthier, who is on the staff for this committee.

I would also like to thank the committee’s chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; and staff assistants Mary Hall, Sylvia Aragon, and Gina Weinstock, and Rosemarie Calabro.

On the Republican side, let me acknowledge Senator MURKOWSKI’s new staff director, McKie Campbell, and chief counsel Karen Billups. I would also like to thank the former Senator Domenici’s staff director during the previous Congress, Frank Macchiarlo; and former minority chief counsel, Judy Pensabene. I would also like to recognize counsel Kellie Donnelly; as well as professional staff members Frank Gladics, Josh Johnson, and Tom Lillie, all of whom made significant contributions to this bill.

In addition, I am very grateful to the committee’s non-designated staff: counselors Monica Fox, Daniel Poard, Nancy Hall, Amber Passmore, Monica Chestnutt, and Wanda Green.

S. 22 contains over 1,200 pages of text, and was the subject of numerous revisions. I am grateful to the help of the Senate legislative counsel office, and Gary Endicott, Heather Burnham, and Colin Campbell in particular.

I would also like to thank Cliff Isenberg from the Senate Budget Committee for his help as well as Deb Reis from the Congressional Budget Office, and Tyler Ryan from CBO.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValk, Gary Myrick, and, as always, the statutory for the majority, Lula Davis, as well as Tim Mitchell, the assistant secretary for the majority. I would also like to thank the cloakroom staff, Joe Lapia, Meredith Mellody, Brandon Duffinger, and Estaban Galvan, for all of their assistance.

All of these fine staff members had a hand in putting S. 22 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for their good work.

In 2006, Madam President, today I rise to express my support for S. 22, the Omnibus Public Land Management Act of 2009. I commend Chairman BINGAMAN and former Ranking Member Domenici of the Senate Committee on Energy and Natural Resources and for their leadership and their staff for their dedication during the previous Congress to move this important legislation forward. While we were unable to vote on this package last year, it is time that we pass these bills. During these times of economic downturn, our national parks and public lands are some of the few affordable recreational opportunities available to the American people.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public land measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and favorably reported by the Senate Committee on Energy and Natural Resources during the 110th Congress. By utilizing, to the full extent, the committee vetting process that includes acquiring testimonies from Federal agencies, stakeholders, Federal partners, and the public, concerns were addressed and bills were amended, as needed. In addition to the Senate committee’s approval, many of these measures were passed by the House of Representatives last Congress.

As chairman of the National Parks Subcommittee, I had the opportunity to hold hearings on a number of the bills included in this package. This legislation includes many important provisions for protecting and preserving America’s national parks and for enhancing the experiences to be gained by park visitors. Today, I wish to highlight four provisions that I sponsored during the 110th Congress: H.R. 3332, the Kalaupapa Memorial Act; S. 1728, Na. H.O. Pili O Kalaoko-Honokohau Advisory Commission Reauthorization Act; S. 2220, Outdoor Recreation Act of 1963 Amendments Act; and S. 320, the Paleontological Resource Preservation Act.

In addition, I appreciate the inclusion of S. 1736, the Kluane National Park and Reserve Act, and S. 1852, the Iron River-Canada Border River Water Quality Enhancement Act of 2007, which addresses the needs of a rural and indigenous Alaska Native community.

The first three of these provisions are particularly meaningful as they acknowledge the historical contributions and preserve Hawai’i’s unique heritage for future generations. The remembrance and revitalization of our culture, heritage, and natural resources are an essential way to build upon the values and traditions and move forward into the future. I am proud that the people of Hawaii, through partnerships at the State and
Federal levels, have embraced this opportunity. These efforts perpetuate a legacy to be embraced by not only the people of Hawaii, but a legacy to be shared with people across this Nation. I am confident that these measures which will, if enacted, enable communities who have worked so hard and who have contributed so much to our nation's culture, to demonstrate historic land use patterns; and to provide for the education, enjoyment, and appreciation of traditional Native Hawaiian activities and culture. This Advisory Commission advises the National Park Service on historical, archaeological, cultural, and interpretive programs for the park and serves as a living resource for the education, enjoyment, and understanding of the Cold War culture. This legislation would extend the Advisory Commission through the end of 2018.

The Outdoor Recreation Act of 1963 Amendments Act seeks to authorize $900 million from 2008 through 2017 to the National Tropical Botanical Gardens. The measure will authorize appropriations to the corporation governing the Botanical Gardens for operation and maintenance expenses. These funds will contribute towards the private donations that the Botanical Gardens already raise to support its annual operating budget of over $10 million.

The National Tropical Botanical Gardens is a private charitable corporation, chartered by legislation that was enacted in 1964 to foster horticultural research, education, and plant preservation. Its congressional charter mandates the Botanical Gardens to preserve, for the people of the United States, species of tropical plant life threatened with extinction.

Conservation is one of the National Tropical Botanical Garden's key roles. This role has been more critical as tropical plant species continue to become extinct at a disturbing rate. As many as one-third of the remaining global plant species are considered at threat of extinction. The National Tropical Botanical Gardens has recognized and worked with urgency to preserve and cultivate native Hawaiian plants, and has made its program of preserving Hawaii's endangered and threatened flora a matter of the highest priority.

The unique flora of 1,300 species that has evolved over millions of years in Hawaii represents a significant resource to the people of the United States in terms of biodiversity it represents. Further, many of these botanical species serve as the foundation of entire ecosystems, serving as food sources or habitats for other larger species that are either threatened or endangered. In addition, these species are not represented in any of the other 49 States in our Nation. Each of these species contains unique genes that express themselves in a myriad of ways. Each time a loss of habitat impacts extinction we lose an irreplaceable reservoir of unique genes and eliminate their usage as a possible benefit to humanity.

The Paleontological Resources Preservation Act incorporates many of the recommendations on the subject issued by the Department of the Interior in 2000. This act would help protect and preserve the nation’s important fossil resources that are occupied on Federal lands for the benefit of our citizens. This provision will still allow the practice of casual collecting that is being enjoyed on Federal lands. While I recognize the educational benefits and the major fossil discoveries made by amateur collectors and curious, fossil theft has become an increasing problem. Vertebrate fossils are rare and important natural resources that have become increasingly endangered due to an increase in the illegal collection of fossil specimens for commercial sale. However, at this time there is no unified policy regarding the treatment of fossils by Federal lands management agencies which would help protect and conserve the fossil species that are threatened by the deterioration or loss of these valuable scientific resources. This act will correct that omission by providing uniformity to the patchwork of statutes and regulations that currently exist. It will create a comprehensive national policy for preserving fossil and other artifacts found on Federal lands, and will prevent future illegal trade. I would like to emphasize that this bill covers only paleontological remains on Federal lands and in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act.
the land exchange nor the construction of the road will occur without a stringent environmental impact statement required under the National Environmental Policy Act of 1969 and assurances by the Secretary of the Department that the construction and the land exchange are in the public interest and sufficient environmental safeguards are in place.

I strongly support the Omnibus Public Land Management Act of 2009 and those provisions that protect and preserve the historical contributions made by Hawaii's environmental and cultural heritage. We must protect our legacies, and I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations.

Ms. CANTWELL. Madam President, today, the Senate can be very proud of a very significant accomplishment for the enjoyment and protection of wilderness areas, historical sites, national parks, national forests, and scenic rivers. Collectively, this is one of the most sweeping conservation bills the Senate has passed in many years.

This bill has been through many twists and turns over the last year. But today’s vote would not have been possible without the tenacity and dedication of the Majority Leader.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land provisions become law.

There are a number my bills in this omnibus lands package that I would like to speak to.

First, the Ice Age Floods National Geologic Trail Designation Act. This bill will create a National Park Service trail to celebrate the remarkable geologic history of the Pacific Northwest region. This bill has enjoyed regional, bipartisan support. I would like to thank Senators MURRAY, WYDEN, Club for our colleagues Senators Smith and Craig for working with me on this legislation.

There are too many people to thank by name but I want to acknowledge the dedication of the Ice Age Floods Institute, particularly its President, Gary Kleinnah庚, who has worked tirelessly to educate our country on the significance of the Ice Age Floods Geologic Trail.

In many ways, the members of the Institute have become the protégés of people like University of Washington professor J. Harlan Bretz and USGS geologist Joseph Pardee, who fought to make credible their hypothesis about the historic existence of the Ice Age Floods.

This is a wonderful day for many communities, scientists, and Ice Age Floods enthusiasts throughout the Pacific Northwest, and for tourism and geologic education.

The Ice Age Floods Institute has promoted the development of an Ice Age Floods National Geologic Trail for over 12 years. With the growing interest and enthusiasm for this concept, this Geologic Trail is a long time coming. The story of the Ice Age Floods is a truly amazing story of the forces of nature and their impact on our lives.

When geologists first saw the vast Columbia Basin in eastern Washington, they recognized that glacial and flowing water had played a large part in shaping the extraordinary landscape, with its canyons, buttes, dry cataracts, boulder fields, and gravel bars.

Agriculture

During the last Ice Age, some 13,000 to 18,000 years ago, an ice cap covered almost all of Canada and extended down across much of the Pacific Northwest. In Idaho, a 2,000-foot-high glacier backed water up in western Montana until it formed Glacial Lake Missoula, totaling 530 cubic miles or more than Lakes Erie and Ontario combined.

When Glacial Lake Missoula deepened enough, the sheer force of the backed up water undermined the glacial ice, and the ice gave way in a cracking explosion. The huge lake was released all at once.

When the dam broke, a towering mass of water and ice was released and swept across parts of Idaho, Washington, and Oregon on its way to the ocean.

The peak rate of flow was ten times the combined flow of all the rivers of the world. The huge lake may have emptied in as little as 2 or 3 days.

Geologists at the University of Washington counted 80 floods without reaching bottom, leading to present-day estimates of up to 100 catastrophic water releases.

These floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees, buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

These floods are a remarkable part of our natural heritage. They have profoundly affected the geography and ways of life in the region but have remained largely unknown to the general public.

The legacy of the floods includes not only stark seabed and dramatic dry cataracts, but also exceptionally fertile, productive farmland, and significant wetlands and aquifers.

Creating a National Park Service trail to recognize and celebrate these floods literally shaped the face of our state. The trail is an unparalleled educational resource for Washingtonians and visitors from across the country.

It will also spur economic development and create jobs in local communities across eastern and central Washington.

I appreciate the Senate's attention to this bill that will help educate and interpret one of the largest flooding events known to science.

To date, more than 30 entities spanning State and local governments, chambers of commerce, and other civic and community organization support creation of the trail concept.

This Omnibus Public Land Management Act of 2009 also includes my Snoqualmie Pass Land Conveyance Act. This bill would transfer an acre of national forest service land to the Snoqualmie Pass fire district to help them build a new fire station.

I specifically thank the fire district commissioner Chris Caviezal for working so hard on behalf of the people at Snoqualmie Pass and providing top rate emergency services at one of the most traveled mountain passes in the country.

During our recent winter storms, which brought several feet of snow, following a half of Forest Service land to the Snoqualmie Pass fire district to help them build a new fire station.

I specifically thank the fire district commissioner Chris Caviezal for working so hard on behalf of the people at Snoqualmie Pass and providing top rate emergency services at one of the most traveled mountain passes in the country.

Additionally, the ski area estimates 20,000 patrons on a busy weekend, and the Department of Transportation estimates that up to 60,000 vehicles travel through the fire district on a busy day, making it the busiest mountain highway in the country.

This area is also the major transportation corridor for goods and services between eastern and western Washington. The all-volunteer fire department averages over 300 calls a year within a 10 percent annual increase in call volumes, which is more than triple the amount of calls a typical all-volunteer fire department would respond to in a year.

Additionally, the fire department has characteristics of a large city with the limited resources of a small community.

In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches.

The fire district is often the first responder to incidents in the area, which is prone to rock slides and avalanches and it is not uncommon for this community to be isolated for hours or even days at a time.

Several thousand people can be stranded at the pass during those periods. While the Department of Transportation works quickly to get the roads back open, it can be very taxing on local resources.

For decades, the fire district has been losing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.
Through their hard work and dedication, they have served their community ably despite this building’s many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the fire district needs to move to a true fire station.

The fire district has identified a nearby site that would better serve the public safety needs at the pass. This location would provide easy access to the interstate in either direction, reducing emergency response times.

The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

It is my understanding that there are offers of support to construct a new fire station from State and local officials, and to mitigate any effects of construction and I support those efforts.

I appreciate the efforts of Senator Murray and my colleagues on the Energy and Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the pass and my colleagues to improve public safety in the area.

This Omnibus Public Land Management Act of 2009 also includes my Pacific Northwest Trail Act. This bill would designate the Pacific Northwest trail a national scenic trail.

The Pacific Northwest is home to some of the most pristine and breathtaking scenery this country has to offer—from vast patches of forest and steep, snow capped mountain ranges to sandy beaches, rocky ocean coast, and green pastures.

The Pacific Northwest Trail zigzags across the Continental Divide to the Pacific Coast, offers all of these spectacular views. The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end, through three States, crosses three national parks, and winds through seven national forests.

And designating the Pacific Northwest trail a national scenic trail will give it the proper recognition, bring benefits to neighboring rural communities, and promote its protection, development, and maintenance.

In 1980, the National Park Service and the Forest Service completed a feasibility study of the proposed Pacific Northwest trail. And the study concluded that the Pacific Northwest Trail has the scenic and recreational qualities needed for designation as a national scenic trail.

Today, approximately 950 miles of the Pacific Northwest trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States.

With more recognition and more people from all over the country “putting on their hiking boots,” the trail will receive more eligibility for grants funding and increased attention, which in turn will result in increased use and more economic activity in rural areas.

National parks, preserves, and other public lands are critical to our health and well-being. National parks and preserves provide recreation, conservation, and enjoyment of significant scenic, historic, natural, and cultural qualities. The Pacific Northwest trail is a national prize and should be recognized as such.

This Omnibus Public Land Management Act of 2009 also includes my wildland firefighter safety legislation. This legislation will improve accountability and transparency in wildland firefighting programs.

Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them.

When wildfires occur, we rely on courageous men and women to protect our communities and natural resources. Every summer, we send thousands of brave firefighters into harm’s way to protect our Nation’s rural communities and public lands.

Of course, fighting fires is inherently dangerous. But we must not abide preventable deaths: We must not lose firefighters simply because rules are broken, policies are ignored, and no one is held accountable.

Six years ago, Washington State suffered a horrific tragedy. On July 10, 2001, near Winthrop in Okanogan County, during the second worst drought in Washington history, the Thirtymile fire burned out of control and four courageous firefighters died. Sadly, subsequent investigations revealed that they didn’t have to die. The Forest Service has said the tragedy “could have been prevented.”

Since then, the courage of the Thirtymile families, standing up and demanding change, has had a positive impact on the safety of our wildland firefighters. But we must do much more.

Through training and certification, we can lower the risk to the brave men and women who protect our forests and communities. It’s critical that Congress is actively engaged to ensure this happens.

An inspector general’s report released in March 2006 found problems in the Forest Service’s oversight of contracting firefighting crews. Hundreds of contracts were awarded to Forest Service and State agencies every year to fight fires. Roughly one-third of the records it sampled showed that fire fighters’ qualification standards had not been met. Too many have been dispatched to fight fires without the necessary preparation.

This is not new. A 2003 Seattle Times report cited an internal Forest Service memo identifying the lack of accountability in the contract firefighting program. A 2004 GAO report found that insufficiently trained contract crews hampered firefighting efforts. And a 2004 IG audit found that at the time the Forest Service could not monitor the contribution of more than 80 percent of its own firefighters. That is unacceptable.

This legislation is a very modest yet important proposal. The Senate has already passed it once as an amendment to the Omnibus Public Land Management Act, but sadly, it was not included in the conference version of the bill.

It is clear: this bill’s provisions are still a necessary tool to ensure that Congress and Federal wildland firefighting agencies are as proactive as possible in protecting the lives of wildland firefighters.

First, the Wildland Firefighter Safety and Transparency Act requires the Secretaries of Agriculture and Interior to track the funds they spend on firefighter safety and training. Congress and taxpayers deserve to know whether and how Federal funds are being spent to ensure the safety of firefighters.

Improved accountability means improved safety: I hope the Forest Service will agree to track its funds as part of the administration’s annual budget request.

Second, my legislation requires the Secretaries to report to Congress annually on their departments’ safety and training programs. We need to monitor Federal firefighting agencies and ensure commitments to reform are being acted upon. An annual check-in on safety programs from Congress is essential to making that happen.

Finally, my bill would require the Forest Service to ensure that private firefighting crews working under federal contracts receive training consistent with their Federal counterparts. This is critical not only to protect those private crews but also to safeguard the Federal, State and tribal employees who stand shoulder-to-shoulder with the contractors on the fire line.

And so we have an obligation to protect and prepare the brave firefighters we send into harm’s way. I look forward to working with my House colleagues on approving this legislation.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Mr. DURBIN. Madam President, the Omnibus Public Land Management Act of 2009 (S. 22) combines more than 160 individual bills to protect America’s wilderness and responsibly manage our natural resources. The individual measures in this bill were originally introduced by nearly equal numbers of Democratic and Republican Senators and the vast majority have broad bipartisan support.
S. 22 would protect over 2 million acres of land by designating it as wilderness, making it the largest expansion of the National Wilderness Preservation System in almost 15 years. The new and expanded wilderness areas established by this bill would span nine States and include such treasures as: Pictured Rocks National Lakeshore in Michigan; Monongahela National Forest in West Virginia; Oregon’s Mount Hood; Idaho’s Owyhee canyons; the Sierra Nevada Mountains of California; Rocky Mountain National Park in Colorado; Zion National Park in Utah; as well as wilderness-quality lands in Virginia and New Mexico.

S. 22 would also protect more than 1,000 miles of free-flowing rivers by adding them to the National Wild and Scenic Rivers System. It would add thousands of new miles of trails to the National Trails System, expand the National Park System, and establish new National Heritage Areas and authorize additions to the National Park System to preserve historical sites, including the creation of a Abraham Lincoln Birthplace National Historic Park in Kentucky.

The package also contains critical measures to responsibly manage our Nation’s water resources, including a provision to assess the impact of climate change on our national water supply, authorizations to repair water infrastructure, and the resolution of important water settlements in the West.

Other key provisions include the establishment of a 26-million-acre National Landscape Conservation System and protecting more than 1 million acres of Wyoming’s Bridger-Teton National Forest from oil and gas development.

In its waning days, the current administration went forward with a controversial oil and gas lease sale in Utah that included wilderness-quality lands near several national parks. This sale highlights the need for Congress to come together and protect our public lands and precious natural resources for future generations.

I support this package to protect our wilderness areas and preserve the country’s water resources.

Mr. BINGAMAN. Madam President, this package would not have been possible without the dedicated work of the majority leader over the past several months. I wish to particularly thank him for his commitment to calling up this bill early in this Congress and proceeding with it. I wish to also acknowledge the excellent work and energy of the Natural Resources Committee’s new ranking minority member Ms. Murkowski. We have been able to work together on this truly bipartisan combination of bills which is reflected in the broad support for this package.

Of course, I wish to acknowledge the role of Senator Domenici, who was the ranking member in the prior Congress, for his hard work that also is reflected in this legislation.

I wish to also recognize the work of three of our subcommittee chairmen and ranking members: Senators ARKANSAS and BURBAN on the National Parks Subcommittee, Senators WYDEN and BARRASSO from the Public Lands and Forests Subcommittee, Senator JOHNSEN and Senator CORKER of the Water and Power Subcommittee. Most of the bills in this package had subcommittee hearings, and many were held in those subcommittees. These Senators laid much of the groundwork for today’s vote. Of course, I wish to recognize Chairman RAHALL of the House Natural Resources Committee for all his hard work and the work of his staff to resolve any differences that could have existed with the other body.

We have had superb staff work in developing this legislation. Let me particularly mention David Brooks, Kara Finkler and, of course, our staff director, Bob Simon, as well as Sam Fowler, the counsel for our Energy and Natural Resources staff; also, Mike Connor, who worked very hard on many of the water provisions contained in the legislation and is based on many of the forest-related sections of this legislation. I know Senator MURKOWSKI and, prior to her, Senator Domenici, also had excellent staff work on the Republican side, which resulted in this legislation coming together in a bipartisan fashion.

So I will put a more complete statement acknowledging the great work of members of our committee staff in the RECORD and elaborate on that as the day proceeds, but I do wish to mention them now.

Madam President, I see my colleague from Oklahoma is here to speak. How much time remains on the two sides? I know he has 5 minutes, is there any time remaining?

Mr. COBURN. Madam President, in thinking about where we are today, I asked myself what the average Oklahoman would ask of me about this bill, or the average person from Wyoming or California.

As I think about it, we have a bill that has 45 blatant earmarks in it. It is not a new day in Washington. Despite arguments to the contrary, we are going to significantly alter our access to millions of barrels of oil and trillions of cubic feet of natural gas by what we are doing. We are going to create a further imbalance. We have almost 107 million acres of wilderness area. We are going to add another 2.2 million acres to that Odumto. We are going to trample on property rights as we haven’t in decades, both directly and indirectly. I asked myself: Why are we doing it? I believe we are doing it because we are thinking in the very short term. I also believe we are doing it because we pride ourselves in the parochial benefits that we can return to our States at the expense of the best judgment in terms of decisionmaking for the future.

As has been noted on this floor, there are many of these bills that I don’t approve that don’t have an impact, that aren’t earmarks, that aren’t going to take property rights away, that aren’t going to limit our access to available oil and natural gas, proven reserves, but nevertheless we are going to do those things today, and there are going to be 20 or 25 votes against it. That doesn’t mean the people who are promoting this are any more genuine or sincere than I am, but I think what it does mean is we have a short-term, myopic-focused leadership in the Congress that does not weigh properly the benefits of pleasing the parochial interests at the expense of our future.

So I have fought very hard for many months to try to make sure a majority of these bills don’t become law—not because I am opposed to wilderness or heritage areas but because I am for constitutional right of property owner- ship, because I know the more and more we take away from our ability to fill the gap as we transition to alternative energy, the more money we are going to fund to those people who would like to see us nonexistent.

It is a privilege to serve in this body. It is a privilege to serve with gentlemen such as the Senator from New Mexico, the chairman of this committee, and to benefit from his integrity and his demeanor and cooperation, but it is also a disappointment that, in my line of thinking, when you talk with the average American, we shouldn’t be doing anything to take away property rights. We should be doing everything to assure ourselves increased access to energy in the future. We should eliminate this blatant, corrupt process of earmarking, not because it is corrupt in terms of at this time or at that time; it is corrupt because it ignores the future and the costs and the lack of priority about how we should be spending what it does mean is we have a short-term, myopic-focused leadership in the Congress that does not weigh properly the benefits of pleasing the parochial interests at the expense of our future.

So I thank my colleagues for giving me the opportunity to attempt to put forward what I think are important principles.

I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
Republican leader, and based on that conversation, I am going to propose the following unanimous consent request.

I ask unanimous consent that immediately following the vote on the motion to invoke cloture on the motion to proceed to S. 181, regardless of the outcome, the Senate proceed to the consideration of Calendar No. 16, S. J. Res. 5, the disapproval resolution relating to Emergency Economic Stabilization Act, and that the vote on passage of the joint resolution occur at 4:30 p.m., notwithstanding Rule XII, paragraph 4; that the time be divided as provided for under the statute; that at 2 p.m. the consideration and debate be interrupted for the swearing in of Senator-appointee BURRIS and that the time utilized be charged against the majority; and that at 4:30 p.m. today, the Senate proceed to vote on the joint resolution, with no further intervening action or debate.

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

Mr. REID. Madam President, I ask unanimous consent that prior to the second vote on cloture, there be 4 minutes equally divided and controlled between Senators MIKULSKI and ENZI or their designees, and that the second vote in the sequence be 10 minutes in duration.

I suggest this is the so-called Lilly Ledbetter legislation about which we have been talking.

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

Under the previous order, the question is on the engrossment and third reading of the bill, as amended.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the bill, S. 22, as amended, pass, as follows?

The bill (S. 22), as amended, was passed, as follows:

<table>
<thead>
<tr>
<th>YEAS—73</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conrad</td>
</tr>
<tr>
<td>Corker</td>
</tr>
<tr>
<td>Crapo</td>
</tr>
<tr>
<td>Dodd</td>
</tr>
<tr>
<td>Durbin</td>
</tr>
<tr>
<td>Enzi</td>
</tr>
<tr>
<td>Feingold</td>
</tr>
<tr>
<td>Feinstein</td>
</tr>
<tr>
<td>Gregg</td>
</tr>
<tr>
<td>Hagan</td>
</tr>
<tr>
<td>Hararkin</td>
</tr>
<tr>
<td>Hatch</td>
</tr>
<tr>
<td>Inouye</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Kerry</td>
</tr>
<tr>
<td>Klobuchar</td>
</tr>
<tr>
<td>Kohl</td>
</tr>
<tr>
<td>Landrieu</td>
</tr>
<tr>
<td>Lautenberg</td>
</tr>
<tr>
<td>Leiberman</td>
</tr>
<tr>
<td>Leahy</td>
</tr>
<tr>
<td>Levin</td>
</tr>
<tr>
<td>Lieberman</td>
</tr>
<tr>
<td>Lincoln</td>
</tr>
<tr>
<td>Logan</td>
</tr>
<tr>
<td>Martinez</td>
</tr>
<tr>
<td>Messner</td>
</tr>
<tr>
<td>Mikulski</td>
</tr>
<tr>
<td>Mikulski</td>
</tr>
<tr>
<td>Murkowski</td>
</tr>
<tr>
<td>Moran</td>
</tr>
<tr>
<td>Nelson</td>
</tr>
<tr>
<td>Nelson (NE)</td>
</tr>
<tr>
<td>Nygren</td>
</tr>
<tr>
<td>Pryor</td>
</tr>
<tr>
<td>Reed</td>
</tr>
<tr>
<td>Reid</td>
</tr>
<tr>
<td>Risch</td>
</tr>
<tr>
<td>Rockefeller</td>
</tr>
<tr>
<td>Salazar</td>
</tr>
<tr>
<td>Sanders</td>
</tr>
<tr>
<td>Schumaker</td>
</tr>
<tr>
<td>Shaheen</td>
</tr>
<tr>
<td>Snowe</td>
</tr>
<tr>
<td>Specter</td>
</tr>
<tr>
<td>Stabenow</td>
</tr>
<tr>
<td>Tester</td>
</tr>
<tr>
<td>Udall (CO)</td>
</tr>
<tr>
<td>Udall (NM)</td>
</tr>
<tr>
<td>Voinovich</td>
</tr>
<tr>
<td>Warner</td>
</tr>
<tr>
<td>Webb</td>
</tr>
<tr>
<td>Whitehouse</td>
</tr>
<tr>
<td>Wicker</td>
</tr>
<tr>
<td>Wyden</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAYS—21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brownback</td>
</tr>
<tr>
<td>Burr</td>
</tr>
<tr>
<td>Chambliss</td>
</tr>
<tr>
<td>Coburn</td>
</tr>
<tr>
<td>Cornyn</td>
</tr>
<tr>
<td>DeMint</td>
</tr>
<tr>
<td>Ensign</td>
</tr>
<tr>
<td>Kennedy</td>
</tr>
<tr>
<td>McCain</td>
</tr>
<tr>
<td>McConnell</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Connors</td>
</tr>
<tr>
<td>Ewing</td>
</tr>
<tr>
<td>Gallego</td>
</tr>
<tr>
<td>Grassley</td>
</tr>
<tr>
<td>Hatches</td>
</tr>
<tr>
<td>Inhofe</td>
</tr>
<tr>
<td>Isakson</td>
</tr>
<tr>
<td>Johnsons</td>
</tr>
<tr>
<td>Keyes</td>
</tr>
<tr>
<td>Kiay</td>
</tr>
<tr>
<td>Kyl</td>
</tr>
<tr>
<td>Levin</td>
</tr>
<tr>
<td>Vitter</td>
</tr>
</tbody>
</table>

The following Senators voted “nay.”

Sec. 1. Short title; table of contents.

(a) Short title. —This Act may be cited as the “Omnibus Public Land Management Act of 2009.”

(b) Table of contents. —The table of contents of this Act is as follows:

1. Short title; table of contents.
2. Designation of wilderness preservations.
3. Designation of wilderness preservations.
4. Designation of wilderness preservations.
5. Designation of wilderness preservations.
6. Designation of wilderness preservations.
7. Designation of wilderness preservations.
8. Designation of wilderness preservations.
9. Designation of wilderness preservations.
10. Designation of wilderness preservations.
11. Designation of wilderness preservations.
12. Designation of wilderness preservations.
13. Designation of wilderness preservations.
14. Designation of wilderness preservations.
15. Designation of wilderness preservations.
16. Designation of wilderness preservations.
17. Designation of wilderness preservations.
18. Designation of wilderness preservations.
19. Designation of wilderness preservations.
20. Designation of wilderness preservations.

The period of this Act is as follows:

(1) Title I—Additions to the National Wilderness Preservation System.
(2) Title II—State Land Exchange Program.
(3) Title III—Wild and Scenic River Designations.
(4) Title IV—Recreational Travel Management Programs.
(5) Title V—Protection of Tribal Treaty Rights.
(6) Title VI—Conservation and Management of Fish and Wildlife.
(7) Title VII—Water Quality Improvements.
(8) Title VIII—Land Disposal and Reclamation.
(9) Title IX—Acquisitions.
(10) Title X—Budget Provisions.
(11) Title XI—Reports.
Sec. 7103. Little River Canyon National Preserve boundary expansion.
Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
Sec. 7106. Minute Man National Historical Park.
Sec. 7107. Everglades National Park.
Sec. 7108. Kalaupapa National Historical Park.
Sec. 7109. Boston Harbor Islands National Recreation Area.
Sec. 7110. Thomas Edison National Historical Park, New Jersey.
Sec. 7111. Women's Rights National Historical Park.
Sec. 7112. Martin Van Buren National Historic Site.
Sec. 7113. Palm Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historic Park.
Sec. 7115. New River Gorge National River.
Sec. 7116. Technical corrections.
Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
Sec. 7118. Fort Davis National Historic Site.
Sec. 7119. Dayton Aviation Heritage National Historical Park.
Sec. 7120. Walnut Canyon study.
Sec. 7121. Everglades National Park.
Sec. 7122. Greenwood Lake Segregation Center, California.
Sec. 7123. Estate Grant, St. Croix.
Sec. 7125. Shepherdstown battlefield, West Virginia.
Sec. 7126. Indian Creek special resource study.
Sec. 7127. Petrified Forest Overland Trail.
Sec. 7128. Cold War sites theme study.
Sec. 7129. Battle of Camden, South Carolina.
Sec. 7130. Fort San Geronimo, Puerto Rico.
Sec. 7131. Battle of Matewan special re-Source Studies.
Sec. 7132. Harry S Truman Birthplace, Missouri.
Sec. 7133. Battle of Meetsan special resource study.
Sec. 7134. Tule Lake Segregation Center, California.
Sec. 7135. Women's Rights National Historical Park.
Sec. 7136. Fort Davis National Historic Site.
Sec. 7137. National Cave and Karst Research Program.
Sec. 7138. Preserve America Program.
Sec. 7139. Save America's Treasures Program.
Sec. 7140. Route 66 Corridor Preservation Program.
Sec. 7141. National Cave and Karst Research Institute.
Sec. 7142. Cape Cod National Seashore Advisory Commission.
Sec. 7143. National Park System Advisory Board.
Sec. 7144. Concessions Management Advisory Board.
Sec. 7145. St. Augustine 450th Commemoration Commission.
Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
Sec. 8003. South Platte National Heritage Area, Colorado.
Sec. 8004. Northern Plains National Heritage Area, North Dakota.
Sec. 8005. Baltimore National Heritage Area, Maryland.
Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
Sec. 8007. Mississippi Hills National Heritage Area.
Sec. 8008. Mississippi Delta National Heritage Area.
Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
Sec. 8011. Chattahoochee Trace, Alabama and Georgia.
Sec. 8012. Northern Neck, Virginia.
Sec. 8013. Amendments Relating to National Heritage Corridors.
Sec. 8014. Quinebaug and Shetucket Rivers National Heritage Corridor.
Sec. 8015. Delaware and Lehigh National Heritage Corridor.
Sec. 8016. Erie Canalway National Heritage Corridor.
Sec. 8017. John H. Chafee Blackstone River Valley National Heritage Corridor.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies
Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
Sec. 9002. Sierra Vista Subwatershed, Arizona.
Sec. 9003. San Diego Interstate, California.
Sec. 9004. Project Authorization.
Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
Sec. 9102. Imperial Valley Water Supply Enhancement Project, California.
Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
Sec. 9104. Rancho California Water District Project, California.
Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
Sec. 9106. Rio Grande Pueblos, New Mexico.
Sec. 9107. Upper Colorado River endangered fish programs.
Sec. 9108. Santa Margarita River, California.
Sec. 9109. Elsinore Valley Municipal Water District.
Sec. 9110. North Bay Water Reuse Authority.
Sec. 9111. Prado Basin Natural Treatment System Project, California.
Sec. 9113. GREAT Project, California.
Sec. 9114. Yavapai Valley Water District, California.
Sec. 9115. Arkansas Valley Conduit, Colorado.
Sec. 9201. Transfer of McGee Creek pipeline and facilities.
Sec. 9202. Albuquerque Biological Park, New Mexico.
Sec. 9203. Goleta Water District Water Distribution System, California.
Sec. 9301. San Gabriel Basin Restoration Fund.
Sec. 9401. Definitions.
Sec. 9402. Implementation and water accounting.
Sec. 9403. Enforceability of program documents.
Sec. 9404. Authorization of appropriations.
Sec. 9501. Findings.
Sec. 9502. Purposes.
Sec. 9503. Reclamation climate change and water programs.
Sec. 9504. Water management improvement.
Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Definitions.
Sec. 10194. Implementation of settlement.
Sec. 10195. Acquisition and disposal of property; title to facilities.
Sec. 10196. Compliance with applicable law.
Sec. 10197. Compliance with Central Valley Project Improvement Act.
Sec. 10198. No private right of action.
Sec. 10199. Appropriations; Settlement Fund.
Sec. 10200. Payment contracts and acceleration of repayment of construction costs.
Sec. 10201. Federal facility improvements.
Sec. 10302. Financial assistance for local projects.
Sec. 10303. Authorization of appropriations.
Sec. 10304. No reallocation of costs.
Sec. 10305. Interest rate.

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Sec. 10001. San Joaquin River Restoration Settlement

PART II—STUDY TO DEVELOP WATER PLAN; REPORT
Sec. 10101. Study to develop water plan; report.

PART III—PHILIP DIVISION IMPROVEMENTS
Sec. 10501. Reclamation Water Settlements

PART IV—SAN JUAN RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483
Sec. 10004. Reclamation Water Settlement Act and Public Law 87-483

PART V—UNEQUAL FLOW AND WATER USE IMPROVEMENTS
Sec. 10104. Reclamation Water Settlement Act.

PART VI—AGING INFRASTRUCTURE
Sec. 10504. Water Works Act.

PART VII—SECURE WATER
Sec. 10604. Project contracts.

PART VIII—NAVAG-GULLUW WATER SUPPLY PROJECT
Sec. 10605. Navajo Nation Municipal Pipeline.
SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) Boundary Adjustment.—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 (96 Stat. 863) is modified to exclude two parcels of land generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the Office of the Forest Supervisor, Monongahela National Forest. The general map is available for public inspection in the Office of the Chief of the Forest Service.

(b) Management.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) In General.—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Best Management Practices” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, comprised within the boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) Land and Water Conservation Fund.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 528) the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1966.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) Plan.—

(1) In General.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) Nonmotorized Recreation Trail Defined.—For the purposes of this subsection, the term “nonmotorized recreation trail means a trail designed for hiking, bicycling, and equestrian use.

(b) Report.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) Consideration of Conversion of Forest Roads to Recreational Uses.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) SCENIC AREA.—The term “scenic area” means any land in the Jefferson National Forest designated as a scenic area.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATION-WIDE WILDERNESS AREAS.

(a) Designation of Wilderness.—Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the first paragraph (1), by striking “System—” and inserting “System—”;

(2) by striking “‘catch’” each place it appears and inserting “and”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “,’;” and inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain National Forest System’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.


“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled ‘Westmoreland Creek and Little Elton Creek Additions’ and dated April 28, 2008, which is incorporated in the Westmoreland Creek Wilderness designated by section 2(13) of the Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–98).


“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).”


“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimerling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, which is incorporated in the Kimerling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–98)”.

(b) Designation of Wilderness Study Area.

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) Designation.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled “Kimerling Creek Additions and Potential Wilderness Area” and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimerling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–98).

(b) Management.—Except as provided in subsection (c) and subject to existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) Ecological Restoration.—

(1) In General.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may authorize equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimerling Creek Wilderness.

(2) Limitation.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) Wilderness Designation.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimerling Creek Wilderness on the earlier of:

(1) the date on which the Secretary publishes in the Federal Register notice that the
SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled “Seng Mountain and Bear Creek” and dated April 28, 2008, which shall be known as the “Seng Mountain National Scenic Area”; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated April 28, 2008, which shall be known as the “Bear Creek National Scenic Area”.

(b) PURPOSES.—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of the scenic, historic, scientific, and recreational values of the scenic areas;

(2) to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests;

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall develop as an amendment to the Jefferson National Forest a management plan for the scenic areas.

(2) AUTHORIZED USES.—The Secretary shall develop a sustainable trail, as defined in this subtitle, for a part of the scenic area.

(e) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTION.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(f) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along pe-}

rimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to restore usable lands to the public; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b); and

(B) to assist wildlife management projects in existence on the date of enactment of this Act.

(j) TRAIL PLAN.—

(1) IN GENERAL.—The Secretary shall develop a sustainable trail, as defined in this subtitle, for the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) AUTHORIZED USES.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(k) WATER.—

(1) SUBJECT TO VALID EXISTING RIGHTS.—All Federal land in the scenic areas is subject to valid existing rights.

(2) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1132 note), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(b) NONMOTORIZED RECREATIONAL TRAILS.—

(1) IN GENERAL.—The Secretary shall administer—

(a) to ensure the protection and preservation of the scenic, historic, scientific, and recreational values of the scenic areas;

(b) to protect wildlife and fish habitat in the scenic areas;

(c) to protect areas in the scenic areas that may develop characteristics of old-growth forests;

(d) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest Service Management and Administration Act of 1974 (16 U.S.C. 1604).

(e) TRAIL DEVELOPMENT—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed in the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along pe-
Featuring the Lower White River Wilderness, as depicted on the map entitled "Lower White River Wilderness—Gorge Face" and "Mark O. Hatfield Wilderness—Mount Hood—Hunchback Mountain", "Salmon-Huckleberry Wilderness—Mirror Lake", "Salmon-Huckleberry Wilderness—South Fork Roaring River".

The 6,080 acres identified as "Potential Wilderness Area".

(1) Roaring River Wilderness.

The 4.6-mile segment of the South Fork Clackamas River, from its headwaters to its confluence with the East Fork of the South Fork Clackamas River.

(2) Mount Hood Wilderness.

The 6,960 acres identified as "Land to be acquired by USFS".

(3) Designation as Wilderness.

On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subsection (a)(6) of the Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 273) are met, the potential wilderness area shall be:

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and
(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(3) Addition to the Salmon-Huckleberry Wilderness.

On acquisition by the United States of land identified as "Land to be acquired by USFS" on the map entitled "Hunchback Mountain Land Exchange, Clackamas County", dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated under section 3(a) of the Wilderness Act of 1978 (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1976 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(c) Description of Land.

The boundaries described in paragraph (1) shall have the same force and effect as if included in a map.
'(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

'(176) FIFTEENMILE CREEK, OREGON.—'(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Seneca Spring downstream to the eastern boundary of the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

1. The 2.6-mile segment from its source at Seneca Spring to the Badger Creek Wilderness boundary, as a wild river.
2. The 1.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.
3. The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.
4. The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

''(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river and scenic river areas of Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

'(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

'(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstem of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

1. The 11.9-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.
2. The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

'(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.''

''(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the "Columbia River Gorge National Scenic Area Act" (36 U.S.C. 544(a)(4)) is amended by striking "for a period not to exceed twenty years from the date of enactment of this Act."'

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, waternshed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,590 acres, as generally depicted on the map entitled "Mount Hood National Recreation Areas—Mount Hood NRA", and "National Recreation Areas—Shoreline Mountain", dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(d) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(e) ADMINISTRATION.—(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

1. in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

2. consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(f) ADMINISTRATION.—(1) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area—

(A) maximizes the retention of large trees;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the forest system by reducing the risk of uncharacteristic wildfire;

(3) ROAD CONSTRUCTION.—(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit does not include any National Recreation Areas—Shoreline Mountain", dated February 2007.

(g) ROAD CONSTRUCTION.—(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Recreation Areas—Shoreline Mountain

(h) ROAD CONSTRUCTION.—(C) WITHDRAWAL.—(1) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposal under all laws relating to mineral and geothermal leasing.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as "HES 151" on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(iii) MAP AND LEGAL DESCRIPTION.—(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitile, except that the Secretary may correct typographical errors in the map and the legal description.

(d) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public
inspection in the appropriate offices of the Forest Service.

(4) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) in the management Unit —

(ii) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(B) federal land and the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) **FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.**—To protect the water quality, water quantity, and soil stability, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(ii) National Forest System land; or

(iii) non-Federal land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur-Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(6) **PROHIBITED ACTIVITIES.**—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities listed in paragraph (2)), in the area identified on the map entitled "Crystal Springs Zone of Contribution" by—

(i) the owners of the private property; and

(ii) the parcel of approximately 770 acres of private land at Cooper Spur identified as "Land to be acquired by USFS" on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if the Mt. Hood Meadows offers to convey to the United States title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights, the Secretary shall file maps and legal descriptions.

(B) **FORCE OF LAW.**—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(D) **USE OF LAND.**—

(A) **IN GENERAL.**—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall ensure that land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(B) **CONVENIENCE.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **SURVEYS.**—

(A) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(4) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) **RESERVATION OF EASEMENTS.**—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(A) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to be taken for minor wetland encroachments necessary for the orderly development of the Federal land; and
(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ‘‘County’’ means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term ‘‘exchange map’’ means the map entitled ‘‘Hunchback Mountain Land Exchange, Clackamas County’’, dated June 2006.

(C) FEDERAL LAND.—The term ‘‘Federal land’’ means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest, as shown on the exchange map.

(D) NON-FEDERAL LAND.—The term ‘‘non-Federal land’’ means the parcel of land consisting of approximately 40 acres identified as ‘‘Land to be acquired by USFS’’ on the exchange map.

(E) SURVEYS.—

(i) THE UNIFORM STANDARDS OF PROFESSIONAL APRAISAL.—The term ‘‘the Uniform Standards of Professional Appraisal’’ means the Uniform Standards of Professional Appraisal Practice (USPAP) published by the Appraisal Foundation (16 U.S.C. 460l–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(ii) THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL.—The term ‘‘Uniform Standards of Professional Appraisal Practice’’ means the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Foundation.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

1. The Act of March 1, 1911 (commonly known as the ‘‘Weeks Law’’) (16 U.S.C. 480 et seq.); and

2. Any laws (including regulations) applicable to the National Forest System.

(iii) subject to sections 1203(c)(3) and 1204(d), as applicable.

(G) LAND AND WATER CONSERVATION FUND.—For purposes of sections 1203(c) and 1204 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(H) HEALTH EFFECTS STUDIES.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) to promote appropriate economic development in the Mount Hood region; and

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(i) TRANSPORTATION PLAN.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation initiatives between mountain recreational areas and gateway communities that are located within the Mount Hood region; and

(B) establishing park-and-ride facilities that shall be located at gateway communities;
(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating new opportunities for the Oregon State Parks to lease and subordinate land adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State administered land:

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) ensuring a viable and continuous vision for the Mount Hood region consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2005, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon;

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including:

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) tools that link transportation infrastructure improvements with development;

(b) MOUNT HOOD NATIONAL FOREST STewardship strategy.—

(1) IN general.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SubMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(b) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness,

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1964 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking ‘‘eight hundred fifty-nine thousand six hundred acres’’ and inserting ‘‘473,300 acres’’;

(2) in paragraph (29), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding the following:

‘‘(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Deerfield-BLM Property Line Adjustment’ and dated June 13, 2008.’’

(b) MAPS.—

(1) IN general.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the ‘‘Secretary’’) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(b) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is less than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274a(a)(76)) is amended—

(a) by striking ‘‘19-mile segment’’ and inserting ‘‘29-mile segment’’;

(b) in subparagraph (A), by striking ‘‘; and’’ and inserting ‘‘and’’; and

(c) by striking paragraph (2) and inserting the following:

‘‘(2) The approximately 0.6-mile segment of the North Fork Elk from 0.6 miles below Forest Service Road 3335 to its confluence with the South Fork Elk, as a scenic river.’’

(b) The approximately 4.2-mile segment of the South Fork Elk from 0.6 miles below Forest Service Road 3335 to its confluence with the North Fork Elk, as a wild river.’’

(b) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.6 miles below Forest Service Road 3335, as a scenic river.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN general.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1304. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term ‘‘Box R Ranch land exchange map’’ means the map entitled ‘‘Proposed Rowlett Land Exchange’’ and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT.—The term ‘‘Bureau of Land Management’’ means the Bureau of Land Management identified as ‘‘Rowlett Selected’’, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term ‘‘Deerfield land exchange map’’ means the map entitled ‘‘Proposed Deerfield-BLM Property Line Adjustment’’ and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term ‘‘Deerfield parcel’’ means the approximately 1.5 acres of land identified as ‘‘From Deerfield to BLM’’, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL parcel.—The term ‘‘Federal parcel’’ means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as ‘‘From BLM to Deerfield’’, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term ‘‘grazing allotment’’ means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) LANDOWNER.—The term ‘‘Landowner’’ means the owner of the Box R Ranch in the State.
(9) LESSOR.—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term “livestock” does not include the beasts of burden used for recreational purposes.

(11) MONUMENT.—The term “Monument” means the Cascade-Siskiyou National Monument in the State of Oregon.

(12) ROWLETT PARCEL.—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) Any other term “State” means the State of Oregon.

(15) WILDERNESS.—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1465(a).

(16) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) IN GENERAL.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(1) issue no new grazing lease within the grazing allotment covered by the grazing lease; and

(2) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(D) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(1) reduce the authorized grazing level and area temporarily, if acceptable to the Secretary; and

(2) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall—

(1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(3) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(4) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) LAND AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Subcommittee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—

(A) IN GENERAL.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description filed under this paragraph (1), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.
(c) ADMINISTRATION OF WILDERNESS.—
(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and
(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.
(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 3(f) of the Wilderness and Scenic Areas Act (16 U.S.C. 1133(d)(4)), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—
(A) section 4(d) of the Wilderness Act (16 U.S.C. 1133(d)); and
(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Related Affairs of the House of Representatives accompanying H.R. 2570, 106th Congress, 2nd Session, dated December 15, 2008, relating to the Owyhee River Basin.

(4) PLAN.—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.
(5) PUBLIC LAND.—The term “public land” has the meaning given the term in section 102(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(e)).
(6) SECRETARY.—“Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Idaho.
(8) TRIBES.—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OYWHEE SCIENCE REVIEW AND CONSERVATION CENTER.—
(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the State to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subparagraph (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.—
(a) WILDERNESS AREAS DESIGNATION.—
(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) BRUNEAU-JARHIDDE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbidge Rivers Wilderness” and dated November 21, 2008, which shall be known as the “Bruneau-Jarbidge Rivers Wilderness”.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,829 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) NORTH FORK OYWHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee River and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “North Fork Owyhee Wilderness”.

(E) OYWHEE RIVER WILDERNESS.—Certain land comprising approximately 297,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(b) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—
(A) become part of the Wilderness; and
(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.—Nothing in this subtitle—
(1) affects the authority of a Federal agency to acquire grazing permits or leases, except as provided in section 1402;
(2) authorizes the use of eminent domain;
(3) creates a property right in any grazing permit or lease on Federal land;
(4) establishes a precedent for future grazing permit or lease donation programs; or
(5) affects the allocation, ownership, interest, or duration of title on the date of enactment of this Act, of any water, water right, or any other valid existing title held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.—In this subtitle—
(1) ACCOUNT.—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).
(2) COUNTY.—The term “County” means Owyhee County, Idaho.
(3) OYWHEE FRONT.—The term “Owyhee Front” means the area of the County from Jumping Point on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.
(5) PUBLIC LAND.—The term “public land” has the meaning given the term in section 102(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(e)).
(6) SECRETARY.—“Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Idaho.
(8) TRIBES.—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

(b) PURPOSE.—The purpose of the center established under subparagraph (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

(c) ADMINISTRATION.—
(1) IN GENERAL.—Subject to valid existing rights, any area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(A) any reference in that Act to the effective date of enactment of this Act shall be considered to be a reference to the date of enactment of this Act; and
(B) any reference in this Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—
(A) entry, appropriation, or disposal under the public land laws;
(B) location, entry, and patent under the mining laws; and
(C) location and patent under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—
(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing was established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—
(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing activities which are within the wilderness areas designated by this subtitle.
(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—
(I) terminate the grazing permit or lease; and
(ii) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.
(iii) ACCEPTANCE.—(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease not donated under clause (i), the Secretary shall require the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—
(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing on the covered under the permit or lease, the Secretary shall—
(aa) reduce the authorized grazing level to reflect the donation; and
(bb) remain in effect until the permit or lease to reflect the revised level of use.

(ii) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5)賦予関連指定活動.

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall—
(1) publish a plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1133(a));

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(c)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1133(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the wild or scenic characteristics of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(I) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct management activities on lands that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—
(aa) consistent with relevant wilderness management plans; and
(bb) conducted in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under subparagraph (A) include the temporary and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally dispersed native wildlife populations, including big horn sheep, feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—

(A) IN GENERAL.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(10) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(11) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCEPTION.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—The designated or designated by the Secretary of the Interior as a wild river.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(c) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCEPTION.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(d) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCEPTION.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.
necessary.

revenue of the Secretary of the Interior as a wild river.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 208(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2308a); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Transaction Facilitation Act of 1996 (43 U.S.C. 1701 et seq.), the Secretary, shall, in coordination with the Tribes, State, and County, prepare or more travel management plans to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the effective date of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles;

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term "map" means the map entitled "Sabinoso Wilderness" and dated September 8, 2008.

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

(3) STATE.—The term "State" means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office of the Bureau of Land Management in New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System to be known as the "Sabinoso Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCSE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description filed under paragraph (1).

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—In case of—

(1)jabi—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be administered in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) GRAZING.—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—
(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(b) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representa-

(4) FISH AND WILDLIFE.—In accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1133(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private landowners in T. 16 N., R. 23 E., secs. 17 and 20 and the Ns of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(5) BEAVER BASIN.—Subject to valid existing rights, the land generally depicted on the map as “ Lands Withdrawn From Mineral Entry,” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal of public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle B—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach.


(3) NATIONAL LAKEHEAD.—The term “National Lakehead” means the Pictured Rocks National Lakeshore.

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

(5) WILDERNESS.—The term “Wilderness” means the Beef Basin Wilderness designated by section 1652.

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as “Beaver Basin Wilderness.”

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water within the applicable 29,301 acres within the National Lakeshore, as generically depicted on the map.
SEC. 1701. RELEASE.

(a) FInding.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the 697 acres of Federal land identified on the wilderness map as "COID to Federal Government", and

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle shall be released to the State of Oregon.

SEC. 1702. LAND EXCHANGES.

(a) CLARION LAND EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) require the receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(a) DESCRIPTION OF LAND.—
(1) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1)(B) is the approximately 290 acres of non-Federal land identified on the wilderness map as "Claro to Federal Government".

(b) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximate 527 acres of Federal land identified on the wilderness map as "C OID to Federal Government".

(c) SURVEY.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(b) DESCRIPTION OF LAND.—
(1) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1)(A) is the approximately 527 acres of non-Federal land identified on the wilderness map as "COID to Federal Government".

(b) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as "C OID to Federal Government".

(c) SURVEY.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this subtitle, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) Valuation, Appraisals, and Equalization.—
(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or
(2) if not equal, shall be equalized in accordance with paragraph (3).

(e) APPRAISALS.—
(1) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(f) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—
(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and
(2) the Uniform Standards of Professional Appraisal Practice.

SEC. 1703. RELEASE.

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

(b) STATE.—The term "State" means the State of Oregon.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1704. LAND EXCHANGES.

(a) CLARION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) require the receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—
(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1)(B) is the approximately 290 acres of non-Federal land identified on the wilderness map as "Claro to Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximate 527 acres of Federal land identified on the wilderness map as "C OID to Federal Government".

(c) MAP AND LEGAL DESCRIPTION.—
(1) T. 8 S., R. 19 E., sec. 10, NE 1⁄4, W 1⁄2.

(b) ADMINISTRATION OF WILDERNESS.—
(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and
(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INCORPORATION.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—
(A) become part of the Spring Basin Wilderness; and
(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(c) Grazing.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—
(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and
(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–465).

(d) MAP AND LEGAL DESCRIPTION.—
(1) IN GENERAL.—Subject to the extent practicable after the date of enactment of this Act, the Secretary shall file and publish a legal description of the Spring Basin Wilderness with—
(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in the Act, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

This Act shall not be construed to diminish the treaty rights of any Indian tribe, including the off-reservation rights of any Indian tribe, the right to hunt, fish, or gather which were reserved to the Tribe under the Treaty of 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:
(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(2) STATE.—The term "State" means the State of Oregon.

(3) TRIBES.—The term "Tribes" means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term "wilder-

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1311 et seq.), the approximately 6382 acres of Bureau of Land Management land in the State, as generally delineated on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Spring Basin Wilderness".

(b) ADMINISTRATION OF WILDERNESS.—
(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and
(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INCORPORATION.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—
(A) become part of the Spring Basin Wilderness; and
(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(c) Grazing.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—
(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and
(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–465).

(d) MAP AND LEGAL DESCRIPTION.—
(1) IN GENERAL.—Subject to the extent practicable after the date of enactment of this Act, the Secretary shall file and publish a legal description of the Spring Basin Wilderness with—
(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in the Act, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1752. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the 697 acres of Federal land identified on the wilderness map as "COID to Federal Government", and

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle shall be released to the State of Oregon.
SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1806(a).

(2) RECREATION AREA.—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term “State” means the State of California.

(5) TRAIL.—The term “Trail” means the Pacific Crest National Scenic Trail.

SUBTITLE K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1311 et seq.), the following areas in the
State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) **HOOVER WILDERNESS ADDITIONS.**—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as "Hoover East Wilderness Addition," "Hoover West Wilderness Addition," and "Bighorn Proposed Wilderness Addition," as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) **DESCRIPTION OF MAPS.—**The maps referred to in subparagraph (A) are—

(i) the map entitled "Humboldt-Toiyabe National Forest Proposed Management Plan" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) **EFFECT.**—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) **OWENS RIVER HEADWATERS WILDERNESS.**—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 16, 2008, which shall be known as the "Owens River Headwaters Wilderness".

(3) **JOHN MUIR WILDERNESS ADDITIONS.** —(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) **DESCRIPTION OF MAPS.—**The maps referred to in subparagraph (A) are—

(i) the map entitled "John Muir Proposed Wilderness Addition (1 of 5)" and dated September 23, 2008;

(ii) the map entitled "John Muir Proposed Wilderness Addition (2 of 5)" and dated September 23, 2008;

(iii) the map entitled "John Muir Proposed Wilderness Addition (3 of 5)" and dated October 31, 2008;

(iv) the map entitled "John Muir Proposed Wilderness Addition (4 of 5)" and dated September 16, 2008; and

(v) the map entitled "John Muir Proposed Wilderness Addition (5 of 5)" and dated September 16, 2008.

(C) **BOUNDARY REVISION.**—The boundary of the John Muir Wilderness is revised as depicted on the map entitled "John Muir Wilderness—Revised" and dated September 16, 2008.

(4) **ANSEL ADAMS WILDERNESS ADDITION.**—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled "Ansel Adams Proposed Wilderness Addition" and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) **WHITE MOUNTAINS WILDERNESS.** —(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), shall be known as the "White Mountains Wilderness.

(B) **DESCRIPTION OF MAPS.—**The maps referred to in subparagraph (A) are—

(i) the map entitled "White Mountains Proposed Wilderness—Map 1 of 2 (North)" and dated September 16, 2008; and

(ii) the map entitled "White Mountains Proposed Wilderness—Map 2 of 2 (South)" and dated September 16, 2008.

(6) **GRANITE MOUNTAIN WILDERNESS.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled "Granite Mountain Wilderness" and dated September 19, 2008, which shall be known as the "Granite Mountain Wilderness.

(7) **MAGIC MOUNTAIN WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled "Magic Mountain Proposed Wilderness" and dated December 16, 2008, which shall be known as the "Magic Mountain Wilderness.

(8) **PLEASANT VIEW RIDGE WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled "Pleasant View Ridge Proposed Wilderness" and dated December 16, 2008, which shall be known as the "Pleasant View Ridge Wilderness.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Secretary shall administer these wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle; or

(2) **FORCE OF LAW.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection and shall be considered to be part of the Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle, and any applicable law.

(c) **ADMINISTRATION.**—Consistent with paragraph (1) and other applicable Federal law, the Secretary shall administer and use these wilderness areas and wilderness additions designated by this subtitle if the land is located; and

(1) **IN GENERAL.**—In furtherance of the purposes and uses set forth in this Act, the Secretary may—

(a) allocate any other lands that are within the wilderness areas and wilderness additions designated by this subtitle within the wilderness areas and wilderness additions designated by this subtitle; or

(b) enter into agreements with appropriate State or local fire fighting agencies.

(d) **ACCESS TO PRIVATE PROPERTY.**—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(e) **MILITARY ACTIVITIES.**—Nothing in this subtitle precludes—

(1) low-level flights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) **LIVESTOCK.**—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2670 of the 101st Congress (H. Rept. 101–495).

(1) **FISH AND WILDLIFE MANAGEMENT.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain and restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) **STATE JURISDICTION.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.
(j) Horses.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle:

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined by the Secretary of the Interior.

(k) OFFTRAIL AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(1) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 138 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act at which time the Secretary of the Interior shall be subject to section 606(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 150(a)) is amended by adding at the end the following:

“(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

(1) the approximately 6-mile segment of the Amargosa River from the northern boundary of sec. 18, T. 20 N., R. 7 E., to 25 miles downstream of the confluence with the Grapevine Creek, as a scenic river.

(2) the approximately 5-mile segment of the Amargosa River from the northern boundary of sec. 18, T. 20 N., R. 7 E., to 5 miles downstream of the confluence with the Grapevine Creek, as a scenic river.

(3) the approximately 4.7-mile segment of the Amargosa River from the northern boundary of sec. 18, T. 20 N., R. 7 E., to 5 miles downstream of the confluence with the Grapevine Creek, as a scenic river.

(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of the Interior:

(1) the approximately 4.1-mile segment of the Amargosa River from 100 feet downstream of the Piru Creek road crossing in sec. 22, T. 19 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

(2) the approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Piru Creek road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

(3) the approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to 25 miles upstream of the confluence with Sperly Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

(4) the approximately 4.9-mile segment of the Amargosa River from 100 feet downstream of the confluence with Sperly Wash in sec. 10, T. 19 N., R. 7 E., as a scenic river.

(5) the approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

(6) the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 138 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(3) the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the Granite Mountain Wilderness.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest, identified as the “Bridgeport Winter Recreation Area”, as described on the map entitled “Humboldt-Toiyabe National Forest Proposed Management Plan of 1986” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area.

(3) MEASURES TO ENSURE MOUNTAIN BIKING.—(A) The Secretary shall develop a mountain biking management plan for the Recreation Area.

(B) The Secretary shall develop a mountain biking management plan for the Recreation Area.

(c) ENFORCEMENT.—The Secretary shall—

(1) TIMELINE.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area.

(3) MEASURES TO ENSURE MOUNTAIN BIKING.—(A) The Secretary shall develop a mountain biking management plan for the Recreation Area.

(B) The Secretary shall develop a mountain biking management plan for the Recreation Area.

(4) ENFORCEMENT.—The Secretary shall—

(a) during periods of adequate snow coverage during the winter season; and

(b) subject to any terms and conditions determined by the Secretary, ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable use areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(5) PRIORITY.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(a) to prohibit degradation of natural resources in the Recreation Area;

(b) to prevent interference with nonmotorized recreation on the Trail; and

(c) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Pacific Crest National Scenic Trail in the area identified as “Pacific Crest Trail Proposed Crossing Area” on the map entitled “Humboldt-Toiyabe National Scenic Trails”.
Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1231 seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be conducted in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act). (3) Withdrawal to be necessary to ensure that the crossing would not—

(A) all forms of entry, appropriation or disposal under the mining laws; and

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1811. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, LEASE—

land NATIONAL FOREST.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Humboldt-Toiyabe National Forest, comprising approximately 31,700 acres of public land in the State of Nevada, as generally depicted on the map entitled "Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To preserve and protect the Ancient Bristlecone Pines by maintaining natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State of Nevada, as generally depicted on the map entitled "Ancient Bristlecone Pine Forest—Proposed'' and dated July 16, 2008, is designated as the "Ancient Bristlecone Pine Forest''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall become a part of the public record and the public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area; and

(ii) be consistent with the purposes for which the Forest is established, as described in subsection (a); and

(iii) promote the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pine and woodland; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary

Determined determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be conducted in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).
(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management, District Office, San Bernardino County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Area,” filed May 30, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (A) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in the Act that provided for such acquisition any matter may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(D) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 102(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the local fire management planning committee, or the planning committee designated by the Secretary, a copy of the local fire management plans for the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State and local fire management agencies to apply to the land designated as a wilderness area or wilderness addition by this section.

(E) NATIVE AMERICAN USES AND INTERESTS.—

Any land designated as a wilderness area or wilderness addition by this section shall be administered by the Secretary in accordance with the guidelines set forth in section 1133(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in the administrative guidelines of the Secretary of the Interior.

(F) GRIZZLING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be prohibited.

(G) AERIAL AND SMALL AIRCRAFT.—Subject to the provisions of section 5(c) of the National Wildlands Aviation Act of 1959 (16 U.S.C. 1133 note), and the guidelines set forth in the administrative guidelines of the Secretary of the Interior.
“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pine wood property boundary in section 23, township 6 south, range 5 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 9.8-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river 6 south, range 1 east, San Bernardino National Forest boundary in section 2, township 6 south, range 2 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BARTREE CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.

SEC. 1653. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT. — Santa Rosa and San Jacinto Mountains National Monument.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) Expansion of Boundaries.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2006:

“(1) ‘The Santa Rosa Peak Area Expansion Management.

“(2) The ‘Snow Creek Area Expansion Management.

“(3) The ‘Tahquitz Peak Area Expansion Management.

“(4) ‘The Southeast Area Expansion Management’, which is designated as such on the map in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed.”

Subtitle N—Santa Rosa and San Jacinto Mountains National Park Wilderness, California.

SUBTITLE N—SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL PARK WILDERNESS.

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

(2) STATE.—The term ‘State’ means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102–6001b, titled ‘John Krebs Wilderness Expansion’. The Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

(b) EFFECT.—Nothing in this subtitle affects—

(i) the cabins in, and adjacent to, Mineral King Valley, as designated by the Secretary of Agriculture as a recreational river;

(ii) the private inholdings known as ‘Silver City’ and ‘Kaweah Han’.

(c) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments. The Secretary shall notify the Delta Community Association, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the potential wilderness additions on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake:

(i) the potential wilderness addition designated by the Secretary on the map titled ‘Sequoia-Kings Canyon Wilderness Addition’, numbered 102–9001a, and dated March 10, 2006, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(ii) the land in Sequoia and Kings Canyon National Parks that was managed by the Secretary of the Interior as generally depicted on the map titled ‘Sequoia-Kings Canyon Wilderness Addition’, the land shall be—

(A) included in this subtitle.

(b) POWER AND BOUNDARY DESCRIPTION.—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.

(c) INCLUSION OF POTENTIAL WILDERNESS.—Inclusion of potential Wilderness: the land shall be—

(i) designated by the Secretary in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(f)(5)); and

(ii) subject to any terms and conditions determined by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized such sums as are necessary to carry out this subtitle.

Subtitle O—Reno County National Park Wilderness, Colorado.

SEC. 1951. DEFINITIONS.

In this subtitle:


(2) PARK.—The term ‘Park’ means Rocky Mountain National Park located in the State of Colorado.

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

(4) TRAIL.—The term ‘Trail’ means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term ‘Wilderess’ means the wilderness designated by section 1954.

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(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.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—

(a) On or before December 15, 2007, the Secretary shall file and make available for public inspection in appropriate offices of the National Park Service and the Committee on Energy and Natural Resources of the House of Representatives.

(b) In preparing the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABLE. FOR LAW.—The map and boundary description submitted under paragraph (1) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a ‘Potential Wilderness Area’, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion of the Wilderness, the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the wilderness:

(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 center line of the Grand River Ditch, and any associated water conveyances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

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

(3) Land of the Winckenstein-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map and dated May 2007, as the “East Shore Trail Area”. The “East Shore Trail Area” is the 35.38 acres of land comprising approximately 35.38 acres.

(5) Land of the Arapaho-National Forest, comprising approximately 35.38 acres.

(6) Land in the area of the Big Thompson Reservoir from North St. Vrain Creek, the Hand Water Conservancy District, including buildings, camps, and work sites in existence as of the date of enactment of this Act after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(a) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(b) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary, respectively.

(7) HAND WATER CONSERVANCY DISTRICT.—

(a) In General.—Subject to valid existing rights, any land designated as wilderness under this section 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 this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(B) any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary, respectively.

(b) Limits the—

(1) FINDINGS.—Congress finds that—

(i) the United States has existing rights to water within the Park; and

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

(c) Based on the findings described in subparagraph (A) the Secretary may, in accordance with the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(8) WINDY GAP PROJECT.—

(a) In General.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness, and land were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(b) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(c) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected by reason of any water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(d) NEW RECLAMATION PROJECTS.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water within the Park; and

(e) Relation to land outside Wilderness.—

(1) In General.—Except as provided in this subsection, nothing in this subtitle affects the jurisdiction 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 by—

(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—

(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. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS AREA.—Section 3(a) of the Indian Peaks Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-240) is amended—

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

(2) by striking “, dated July 1978” and inserting “, dated May 2006.”

(b) ARAPAHO NATIONAL RECREATION AREA.—Section 4(a) of the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-240) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “36,235 acres” and

(2) by striking “, dated July 1978” and inserting “, dated May 2007.”
SEC. 1956. 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 the Park in Larimer County, Colorado; and
(2) administered by the National Park Service.

Subtitle O—Washington County, Utah
SEC. 1971. DEFINITIONS.
In this subtitle:
(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA —The term ‘‘Beaver Dam Wash National Conservation Area Map’’ means the map entitled ‘‘Beaver Dam Wash National Conservation Area’’ and dated December 18, 2008.
(2) CANAAN MOUNTAIN WILDERNESS —The term ‘‘Canaan Mountain Wilderness Map’’ means the map entitled ‘‘Canaan Mountain Wilderness’’ and dated June 21, 2008.
(3) COUNTY.—The term ‘‘County’’ means Washington County, Utah.
(4) GROWTH AND CONSERVATION ACT MAP.—The term ‘‘Washington County Wilderness Map’’ means the map entitled ‘‘Northeastern Washington County Wilderness’’ and dated November 12, 2008.
(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ‘‘Red Cliffs National Conservation Area Map’’ means the map entitled ‘‘Red Cliffs National Conservation Area’’ and dated November 12, 2008.
(7) SECRETARY.—The term ‘‘Secretary’’ means—
(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and
(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.
(8) STATE.—The term ‘‘State’’ means the State of Utah.

SEC. 1972. WILDERNESS AREAS.
(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—
(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:
(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ‘‘Beartrap Canyon Wilderness’’.
(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ‘‘Blackridge Wilderness’’.
(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which
(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness area, by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subsection (a)(1) by purchase from willing sellers, donation, or exchange, shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(C) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(1) the rights of any Indian tribe; or
(2) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(D) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorological, and climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(E) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);
(ii) shall affect any water rights in the State in existence on the date of enactment of this Act, including any water rights held by the United States;
(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;
(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or
(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees affecting apportionment water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall comply with the State's water law or the substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(F) FISHER AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section or the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities—

(i) consistent with applicable wilderness management plans; and
(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and
(II) applicable guidelines and policies, including applicable policies described in Appendix B to part 40, title 16, Code of Federal Regulations.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if the Secretary—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and self-sustained wildlife populations; and
(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 605 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1) is no longer subject to section 605(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term "habitat conservation plan" means the conservation plan entitled "Red Cliffs Desert Reserve Habitat Conservation Plan" and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Red Cliffs National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term "National Conservation Area" means the Red Cliffs National Conservation Area that—

(A) consists of approximately 47,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and
(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term "public use plan" means the use plan entitled "Red Cliffs Desert Reserve Public Use Plan" and dated June 12, 2000.


(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (3), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local government entities; and
(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;
(B) the resource management plan; and
(C) the public use plan.

(e) MANAGEMENT.—
(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—
(a) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and
(b) in accordance with—
(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
(ii) this section; and
(iii) any other applicable law (including regulations).
(2) Uses.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).
(3) MOTORIZED VEHICLES.—Except in cases in which vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—
(A) subject to—
(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and
(ii) any other applicable law; and
(B) in a manner consistent with the purposes described in subsection (a).
(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in co-operation with Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.
(6) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—
(A) become part of the National Conservation Area; and
(B) be managed in accordance with—
(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
(ii) this section; and
(iii) any other applicable law (including regulations).
(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).
(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(7) MANAGEMENT.—
(1) Purpose.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.
(8) DEFINITIONS.—In this section:
(1) MANAGEMENT PLAN.—The term "management plan" means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).
(2) NATIONAL CONSERVATION AREA.—The term "National Conservation Area" means the Beaver Dam Wash National Conservation Area that—
(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and
(B) is established by subsection (c).
(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.
(d) MANAGEMENT PLAN.—
(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.
(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary consults with—
(A) appropriate State, tribal, and local governmental entities; and
(B) members of the public.
(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).
"(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled "Wild and Scenic River Segments Zion National Park and Bureau of Land Management" and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:
(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north fork and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.
(B) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.
(C) LAVERKIN CREEK.—The segment from the head of Middletown Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim.
(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.
(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek in adjacent land rim-to-rim, as a wild river.
(F) LAVERKIN CREEK.—The 16.1-mile segment from the junction of the north fork and south forks of Taylor Creek, east to the park boundary and adjacent land rim-to-rim, as a scenic river.
(G) WILLIS CREEK.—The 1.9-mile segment from the junction of the north fork and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a wild river.

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.
(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, and
The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the lower end of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

(i) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

(ii) CUMBERLAND CREEK.—The 1.4-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

(iii) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

(iv) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the head of Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

(v) WOLF SPRINGS CREEK.—The segment of Wolf Creek from the junction with Pine Spring Wash and adjacent land ½-mile wide, as a wild river.

(vi) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek running in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a scenic river.

(vii) PINE SPRING WASH.—The 4.6-mile segment from the lower end of Pine Creek and adjacent land ½-mile wide, as a scenic river.

(viii) COHO CANYON.—The 3-mile segment from the head of Coho Creek to the junction with Pine Creek and adjacent land rim-to-rim, as a wild river.

(ix) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

(x) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

(xi) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a recreational river.

(xii) SHUYLER CANYON.—The 3.3-mile segment from the head of Shuyler Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

(xiii) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuwap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

(xiv) SINES CREEK.—The 3-mile segment from Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management and Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.

(xv) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to the Virgin National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 (a) (as added by subsection (a), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the jurisdiction among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Management Agreement” and dated December 4, 1996.
with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a portion of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ‘High Desert Off-Highway Vehicle Trail’.

(B) COMPLETION.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) located on the trail;

and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail. If the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) natural areas;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of closure of the trail; or

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary of Agriculture shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(F) EVACUATIONS.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1979. MANAGEMENT OF PRIORITIZED AREAS.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the ‘Washington County, Utah Land Acquisition Account’.

(2) AVAILABILITY.—(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—(i) The Secretary of the Interior may acquire by purchase any interest in land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITIZED AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior shall enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop and implement programs and carry out any other means relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon receipt of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as ‘Temple Quarry’ as generally depicted on the Washington County Growth and Conservation Act Map as ‘Parcel B’, to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ‘Parcel C’, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ‘Parcel D’, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ‘Parcel E’, to Washington County, Utah, for the expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ‘Parcel F’, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a map of the property acquired under this section. The map shall correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MAINTENANCE OF PROPERTY.—The Secretary shall ensure that the property conveyed under this section is maintained in a manner consistent with the reclassification purposes and public administrative purposes of the federal land conveyed under paragraph (1), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ‘covered Federal land’ means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ‘landowner’ means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(b) APPRAISAL.—In accordance with applicable Federal laws (including regulations), the fair market value of the covered Federal land conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—
TITLED II.—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle—

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

(2) SYSTEM.—The term "system" means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservancy;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic River System;

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accord with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (1), the legal descriptions shall be considered to be the official legal descriptions (a) and (ii).

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) has the effect of impairing, by operation of law, any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on a aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There shall be appropriated such sums as are necessary to carry out this subtitle.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatracks was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) the designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle—

(1) MONUMENT.—The term "Monument" means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

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

SEC. 2103. ESTABLISHMENT.

In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(1) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled "Prehistoric Trackways National Monument" and dated December 17, 2008.

(2) MAP; LEGAL DESCRIPTION.—In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

The map and legal description submitted under paragraph (1) shall have the same force and effect as if included...
in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(5) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument, the Secretary may make minor boundary adjustments to the Monument to include those resources.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(b) MANAGEMENT PLAN.—The Secretary shall develop a comprehensive management plan for the land described in section 2203(a); and

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education related to, research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) MINOR MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument described in subparagraph (C) of section 2202(d) (i) or (2). (A) managed as a wilderness study area and managed in accordance with section 803(c) of the Federal Land Policy and Management Act (43 U.S.C. 1729(c)); or (B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument is prohibited, except as allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument if the events do not harm paleontological resources; and

(b) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRASSING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to conserve, protect, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave and geothermal resources within the Fort Stanton-Snowy River Cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled "Fort Stanton-Snowy River Cave National Conservation Area" and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(b) AUTHORIZED USES.—

(1) IN GENERAL.—Except as needed for administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environments for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area was established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(2) PERMITTED EVENTS.—The Secretary may permit other events involving motorized vehicles under the management plan pre-
(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the area.

(4) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, archeological, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460ii–1(2)), by inserting “Morley Nelson” before “Snake River”;

(2) in section 2(2) (16 U.S.C. 460ii–2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”;

(3) in section 3(a)(1) (16 U.S.C. 460ii–2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(b) REFERENCES.—Any reference in a law, map, publication, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Area.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle—

(1) CONSERVATION AREA.—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2406.

(4) MAP.—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(7) WILDERNESS.—The term “Wilder-ness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. THE DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area consists of approximately 206,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the area, including geological, cultural, archeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that apply on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATIONS.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of this Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary or the Secretary’s representative shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources and Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1134(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) NO BUFFER ZONE.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundaries of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—
(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and
(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) Access.—The Secretary shall continue to provide private landowners adequate access to the Conservation Area.

(g) Invasive Species and Noxious Weeds.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) Water Rights.—
(1) Effect.—Nothing in this subtitle—
(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;
(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;
(C) affects any interstate water compact in existence on the date of enactment of this Act;
(D) authorizes or imposes any new reserved Federal water rights; or
(E) shall be considered to be a relinquishment of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(i) Wilderness Water Rights.—
(A) In General.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are acquired in accordance with subparagraphs (B) through (G).

(B) State Law.—
(1) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(2) ESTABLISHMENT OF WATER RIGHTS.—
(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other subclauses of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I), the purposes and other subclauses of the water rights pursued under this paragraph shall be established in accordance with this Act.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, authorize the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—
(1) generally, the Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—
(A) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and location to fulfill the purposes of the Wilderness; and
(B) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and location to fulfill the purposes of the Wilderness, and exercise, protect, and enforce the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have been met and the Secretary shall not pursue adjudication and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(iii) EXCLUSION FROM WILDERNESS.—The Secretary shall not pursue adjudication for any Federal water rights if—
(A) the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that the water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(iv) FAILURE TO COMPLY.—The Secretary shall not pursue adjudication if—
(A) the agreement described in subparagraph (E)(ii)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness;
(B) WATER RESOURCE FACILITY.—
(1) EFFECT.—Nothing in this subtitle—
(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) Water Resource Facility.—
(I) IN GENERAL.—Except as provided in subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—
(II) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and


((C) CONSERVATION WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

((D) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(A) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(B) applies any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area and Wilderness.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez–Elsalante National Conservation Area Advisory Council”.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABILITY.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission; and

(2) 1 member shall be appointed after considering the recommendations of the Delta County Commission.

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission; and

(4) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUEBCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUEBCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and
Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (V) of paragraph (2) and (III) through (V) of paragraph (3), respectively; and

(B) by inserting after subparagraph (H) the following:

"(i) the Environmental Protection Agency;"; and

(2) in paragraph (4), by striking "enactment of this Act" and inserting "enactment of the Omnibus Public Land Management Act of 2009".

(b) Authorization of Appropriations.—

Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking "enactment of this Act" and inserting "enactment of the Omnibus Public Land Management Act of 2009".

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES AND EXCHANGES.

(a) Definitions.—In this section:

(1) City.—The term "City" means Carson City Consolidated Municipality, Nevada.

(2) Map.—The term "Map" means the map entitled "Carson City, Nevada Area", dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management; (B) the Forest Service; and (C) the City.

(3) Secretary.—The term "Secretary" means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) Secretaries.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) Tribe.—The term "Tribe" means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) Conveyances of Federal Land and City Land.—

(1) In General.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretary shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest in the land described in paragraph (2)(A), to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) Description of Land.—

(A) Non-Federal Land.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as "To U.S. Forest Service".

(B) Federal Land.—The Federal land referred to in paragraph (1) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as "To Carson City for Natural Areas";

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as "Silver Saddle Ranch and Carson River Area";

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as "To Carson City for Parks and Public Purposes"; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as "Reversionary Interest of the United States Released".

(3) Conditions.—

(A) Consideration.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) Conservation Easement.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement on the land to protect, preserve, and enhance the conservation values of the land.

(ii) Except.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(II) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) Silver Saddle Ranch and Carson River Area.—

(1) In General.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) Conveyance by City.—

(I) the City may—

(i) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(ii) conduct projects on the land to reduce floods;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(iv) conduct projects on the land to reduce floods;

(2) Description of Land.—

(A) Non-Federal Land.—The non-Federal land referred to in paragraph (1) is the approximately 50 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(B) Description of Land.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(B) Costs.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(C) Use of Land.—

(A) Natural Areas.—

(I) in General.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) Exception.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(II) conduct projects on the land to reduce floods;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) conduct projects on the land to reduce floods.

(C) Reversionary Interest.—

(1) Release.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(2) Conveyance by City.—

(A) In General.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(i) except as provided in subclause (I), for not less than fair market value.

(II) to the Secretary of Agriculture and the Secretary of the Interior, or to a non-profit organization.

(B) Process.—Any conveyance of land described in subclause (II) shall be conducted through an arbitration process.

(III) Disposition of Proceeds.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(IV) Reversion.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in sub-paragraphs (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(b) Miscellaneous Provisions.—

(A) In General.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(I) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) Management Plan.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for the National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(C) Costs.—Any costs relating to the conveyance under clause (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(D) Transfer of Administrative Jurisdiction From the Forest Service to the Bureau of Land Management.—

(1) In General.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(2) Description of Land.—The non-Federal land referred to in subparagraph (A) is the approximately 50 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(D) Costs.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(E) Transfer of Administrative Jurisdiction From the Forest Service to the Bureau of Land Management.—

(1) In General.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(2) Description of Land.—The non-Federal land referred to in subparagraph (A) is the approximately 50 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(D) Costs.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.
(b) Disposal.—The land referred to in paragraph (1) shall be disposed of in accordance with the following procedures:

(1) Disposition of Proceeds.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with the Water Act.

(2) Disposal of Carson City Land.—

(a) In General.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(b) Description of Land.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as "Land for Disposal" on the Map; and

(B) the approximately 50 acres of land identified as "Parcel #1" on the Map.

(c) Compliance with Local Planning and Zoning Laws.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have complied with—

(i) City zoning ordinances; and

(ii) any master plan approved by the City.

(d) Method of Sale; Consideration.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (i) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713); and

(B) unless otherwise determined by the Secretary, through a competitive bidding process.

(e) For Not Less than Fair Market Value.—(C) for not less than fair market value.

(f) Withholding.—

(A) In General.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws; and

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing laws, and mineral material laws.

(B) Description of Land.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as "Urban Interface Withdrawal" and "Lands for Disposal." To Washoe Tribe.

(C) Incorporation of Acquired Land and Interests.—Any land or interest in land described in paragraph (2) that is acquired by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(ii) A Silver Saddle Endowment Account.—(A) Establishment.—There is established in the General Fund of the United States a special account, to be known as the "Silver Saddle Endowment Account," consisting of such amounts as are deposited under subsection (b)(1). Amended.

(B) Availability of Amounts.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(iii) Urban Interface.—(A) In General.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral leasing laws, and mineral material laws.

(iv) Urban Interface Withdrawal.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey to establish the boundaries of the land taken into trust under paragraph (1).

(v) Use of Land.—(A) Gaming.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2723)).

(B) Trust Land for Ceremonial Use and Conservation.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(1) traditional and customary uses; and

(2) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(1) permanent residential or recreational development on the land; or

(2) commercial use of the land, including commercial development.

(C) Trust Land for Commercial and Residential Use.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall not permit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses; and

(ii) stewardship conservation for the benefit of the Tribe; and

(iii) residential or recreational development; or

(iv) commercial use.

2. TIMING; LAND RESTORATION.—(A) In General.—(i) Conservation of Skunk Harbor Conveyance.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation with the Tribe, may carry out any timing and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(2) Transfer of Land to Be Held in Trust for Washoe Tribe.—(A) In General.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust for the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(B) Description of Land.—The land referred to in paragraph (1) consists of approximately 200 acres, which is identified on the Map as "To Washoe Tribe."
end and inserting the following: ‘‘and to approximately 23 acres of land identified as ‘Parcel A’ on the map entitled ‘Skunk Harbor Conveyance Correction’ and dated May 12, 2006, and on file in the office of Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2346).’’ (c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water right. (d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes described in this subsection shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) Definitions.—In this section:


(b) SOUTHERN NEVADA LIMITED TRANSITION AREA ACT.

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(a) IN GENERAL.—After the conveyance to the City of any land sold, leased, or otherwise conveyed any portion or portions of the Transition Area for purposes of nonresidential development.

(b) MERCANTILE SALE.

(1) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (a) shall be through a competitive bidding process.

(2) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under paragraph (1) shall be for not less than fair market value.

(c) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (b) and (d), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(d) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (a) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346).

(e) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(f) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any parcel in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance contains a provision that shall require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPI SITE.—The term ‘Alta-Hualapai Site’ means the approximately 23 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.);

(B) identified on the map as the ‘Alta-Hualapai Site’.

(2) CITY.—The term ‘City’ means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ‘Institute’ means the Nevada Cancer Institute, a nonprofit corporation described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ‘map’ means the map entitled ‘Nevada Cancer Institute Expansion Act’ and dated July 17, 2006.

(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ‘Water District’ means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept from the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights and other rights, the parcel of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request by the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for the development of medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2346).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the House of Representatives and the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2346).
the Director of the Bureau of Land Management.

(3) MONUMENT.—The term "Monument" means the Grand Staircase-Escalante National Monument located in southeastern Utah.

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

(5) TURNABOUT RANCH.—The term "Turnabout Ranch" means the Turnabout Ranch, located in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act (43 U.S.C. 1712), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Appraisal Practice". All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch pays the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSAL OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MAP ON FILE.—A map depicting the land described in subsection (a) is on file in the appropriate offices of the Bureau of Land Management and identified for conveyance to the Boy Scouts under this section. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land to the Public Utility District established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands under this section.

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management.

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

(3) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the conveyance to the PUD, the Secretary shall forward to the President a copy of the appraised value of the public land to be conveyed under this subsection.

(c) SELECTION.—As soon after the conveyance as practicable under paragraph (2), the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary shall make a map of the public land to be conveyed under this subsection.

(d) RETAINED AUTHORITY.—The Secretary retains the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2007. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall convey to the City of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest in and to the 4 parcels of land described in subsection (b), to the City of Twin Falls.

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed to the City of Twin Falls, Idaho, are described as follows:

1. Approximately 165 acres of land is located in the approximate center of the City of Twin Falls, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map entitled "Twin Falls Land Conveyance" and dated July 28, 2009.
January 15, 2009

and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS—(1) The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and conveyance of the patents of and transfers of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c) of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall be managed in accordance with—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(g) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and conveyance of the patents of and transfers of title to property under this section.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to the City of Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall also include all rights, titles, and interests of the United States in and to portions of section 11, 12, and 13 of T.19 N., R. 16 E., and in to portions of section 7 of T.19 N., R. 16 E., all of which were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.—(1) RAILROAD LANDS DEFINED.—For the purposes of this section, the term "railroad lands" means all of section 4, T.19 N., R.19 E., of the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(2) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States in and to railroad lands as defined in subsection (a) of this section are hereby transferred to the City of Reno, Nevada, and the land shall be subject to the same terms and conditions as those lands described in subsection (b) of this section.

SEC. 2611. TULUMNE BAND OF MUKWI INDIANS OF THE TULUMNE RANCHERA.

(a) IN GENERAL.—(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for noncommercial purposes, and shall be subject to the same terms and conditions as those lands described in subsection (b) of this section.

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–556, 114 Stat. 2850).

(b) FEDERAL LANDS DESCRIBED.—The federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 2, Indian General Reservation Within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements, including but not limited to a non-exclusive easement for ingress and egress in favor of a property described by Easement Deed recorded June 1, 1884, in Volume 755, Pages 189 to 192, and as further described by Survey and judgment entered by Tuolomne County Superior Court on September 2, 1963, and recorded June 4, 1964, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.15 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620506200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tulumne Rancheria. Not later than 90 days after the date of completion, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—(1) PUBLICATION.—On approval by the Community Council of the Tribe the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register:

(A) a legal description of the new boundary lines of the Tulumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tulumne Rancheria and the lands surveyed.

TITRE III—FOREST SERVICE AUTORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—
SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN SUBTITLE C—WYOMING RANGE

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from:

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(d) DESCRIPTION OF LAND.—Within the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area shall be conveyed to the City by the Secretary in accordance with this section.

(e) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within one mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following:

(1) The lease may only be accessed by directional drilling from a lease held by the Secretary or a person that acquires that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exclusions

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the City all right, title, and interest of the holder in the retirement and repurchase of those rights and retirement under this section.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and mail the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(3) MODIFICATION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) APPROPRIATIONS.—In this section the term "Secretary" means the Secretary of Agriculture.

(e) CONVEYANCE.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary shall convey to the City all right, title, and interest of the holder in the retirement and repurchase of those rights and retirement under this section.

(2) MODIFICATION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

Subtitle E—Wyoming Range Withdrawal Area

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and mail the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(3) MODIFICATION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) APPROPRIATIONS.—In this section the term "Secretary" means the Secretary of Agriculture.
land conveyed to the City under paragraph (1)—
(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal conducted under paragraph (3); and
(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLITE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:
(1) COUNTY.—The term ‘‘County’’ means Jefferson County, Montana.
(2) MAP.—The term ‘‘map’’ means the map that is—
(A) entitled ‘‘Elkhorn Cemetery’’;
(B) dated May 5, 2005; and
(C) on file in the office of the Beaverhead-Deerlite National Forest Supervisor.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—
(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester and the County) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ‘‘Elkhorn Cemetery’’, as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—
(A) use the land described in paragraph (2) as a County cemetery; and
(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the event that the Secretary or the County shall determine that the use of the land conveyed under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—
(A) used other than for the purposes described in paragraph (3)(A); or
(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:
(1) FEDERAL LAND.—The term ‘‘Federal land’’ means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.
(2) LANDOWNER.—The term ‘‘landowner’’ means the 1 or more owners of the non-Federal land.
(4) NON-FEDERAL LAND.—The term ‘‘non-Federal land’’ means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(b) EXCHANGE.—
(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land and the parcel of Federal land which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the terms of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—
(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipeline, as generally depicted on the map.

(b) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:
(1) CLAIM.—The term ‘‘Claim’’ means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).
(2) CLAIMANTS.—The term ‘‘Claimants’’ means Ramona Lawson and Boyd Lawson.
(3) FEDERAL LAND.—The term ‘‘Federal land’’ means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—
(A) comprised of approximately 6.20 acres of land; and
(B) described and delineated in the survey.

(4) EASEMENT.—In conveying the land to the Claimants under this section, the Secretary shall—
(A) grant to the Claimants an easement across the Federal land and the Federal land are not equal, the values may be equalized in accordance with subparagraph (C).

(c) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary of the Interior shall—
(A) administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) MAPS.—
(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—
(I) the Federal land and non-Federal land exchanged under this section; and
(II) the easement described in subsection (b)(2).

SEC. 3305. CONGRESSIONAL RECORD — SENATE

S469

January 15, 2009

CONGRESSIONAL RECORD — SENATE

land conveyed to the City under paragraph (1)—
(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal conducted under paragraph (3); and
(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.
Conservation Easement Plat", prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 58, of the land records of the County of Mono, California.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (a) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for:

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that:

(i) is for the purpose for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections of the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of the Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire Protection and King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW1/4 of the SE1/4 of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose for which it was specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are necessary to be included in the Wasatch-Cache National Forest; and

(B) are available to the Secretary, without further appropriation and until expired, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 96-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and the approximately 36.25 acres patented to the Mammoth Community Water District (now known as the "Mammoth Community Water District") on April 7, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FORREST, UTAH

(a) DEFINITION OF CONVEYANCE.—

(1) CITY.—The term "City" means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term "Federal land" means land under the jurisdiction of the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(b) E XCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b) shall be—

(A) equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(f) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after making the processes consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINK TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that the trail remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after making the processes consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(i) DISPOSITION OF REMAINING FEDERAL LAND.—

In general.—The Secretary may, by sale or exchange, dispose of all or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after making the processes consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.


(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land included for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:
(1) LAND DESIGNATED FOR EXCLUSION.—The term “land designated for exclusion” means the parcel of land that is—
(A) comprised of approximately 10.2 acres of land;
(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;
(C) generally depicted on the map entitled “Challis National Forest, T. 14 N., R. 13 E., B.M., Proposed Bound- ary Change FCRONRW” and dated September 19, 2007; and
(D) more particularly described on the map and legal descriptions of file in—
(i) the office of the Chief of the Forest Service, Washington, DC; and
(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term “land designated for inclusion” means the parcel of National Forest System land that is—
(A) comprised of approximately 10.2 acres of land;
(B) located in unsurveyed section 15, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho.

(c) BOUNDARY ADJUSTMENT.—
(1) In paragraph (1), by inserting “3,” after “sections”; and
(2) in the first sentence of paragraph (4), by inserting “a” as the condition of the conveyance.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.
The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain back- drop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.
In this subtitle:
(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
(3) ADJUSTMENT TO WILDERNESS AREA.—
(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.
(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.
(2) CONSEQUENCES TO LEGAL DESCRIPTIONS.—
The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE TO LAND DESIGNATED FOR EXCLUSION.—
(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land des- ignated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value:
(A) the land designated for exclusion; and
(B) as the Secretary determines to be neces- sary, not more than 10 acres of land adja- cent to the land designated for exclusion.
(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—
(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;
(B) the person buying the land shall pay—
(i) the costs associated with appraising and, if the land needs to be resurveyed, re- surveying the land; and
(ii) any analyses and closing costs associ- ated with the conveyance;
(C) for management purposes, the Secre- tary may reconfigure the description of the land for sale; and
(D) any nonfederal adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—
(A) The Secretary shall de- posit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts de- posited under subparagraph (A) may be expended for the acquisition of land for National For- est purposes in the State of Idaho; and
(ii) shall not be subject to transfer or re- programming for—
(I) wildland fire management; or
(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE
Section 413(b) of the T’uuf Shur Bien Preser- vation Trust Area Act (16 U.S.C. 539m-11) is amended—
(1) in paragraph (1), by inserting “3,” after “sections”; and
(2) in the first sentence of paragraph (4), by inserting “a” as the condition of the conveyance.

(2) C ONDITIONS.—The sale of land under paragraph (1) in the fund established under subsection (c), by inserting “3,” after “sections.”

(d) E FFECT.—Nothing in this subtitle au- thorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.
The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—
(1) leverages federal, state, and local resources;
(2) leverages local resources with national and private resources;
(3) facilitates the reduction of wildfire management costs, including through reestab- lishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and
(4) demonstrates the degree to which—
(A) various ecological restoration tech- niques—
(i) achieve ecological and watershed health objectives; and
(ii) affect wildfire activity and manage- ment costs; and
(B) the use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.
In this title:
(1) FUND.—The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 4003(b).
(2) PROGRAM.—The term “Program” means the Collaborative Forest Landscape Restora- tion Program established under section 4004.
(3) PROPOSAL.—The term “proposal” means a collaborative forest landscape restoration proposal described in section 4003(b).
(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.
(5) STRATEGY.—The term “strategy” means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM
(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Land- scape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—
(1) the Endangered Species Act of 1973 (16 U.S.C. 1351 et seq.); and
(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(3) any other applicable law.
(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a col- laborative forest landscape restoration pro- posal shall—
(1) be based on a landscape restoration strategy that—
(A) is complete or substantially complete;
identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—
(i) at least 50,000 acres;
(ii) located primarily on forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Department of Indian Affairs, or other Federal, State, tribal, or private land;
(iii) in need of active ecosystem restoration; and
(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;
(C) incorporates the best available science and scientific application tools in ecological restoration and maintenance strategies;
(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;
(E) would carry out any forest restoration treatments that reduce hazardous fuels by—
(i) any small, diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe fire, where the forest type is on small-diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe fire, where the forest type is—
(A) at least 50,000 acres;
(B) comprises primarily of forested National Forest System land and other land included in the proposal by the collaborators; and
(C) would benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, monitoring; or managing—
(i) local private, nonprofit, or cooperative entities;
(ii) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;
(C) existing or proposed small or microbusinesses, clusters, or incubators; or
(ii) other entities that will hire or train local people to complete such contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—
(A) the appropriate Regional Forester and
(B) the appropriate Regional Forester;
(E) would carry out the strategy, and provide recommendations on, each proposal that is nominated under paragraph (1), in the Treasury of the United States a fund, to be known as the "Collaborative Forest Landscape Restoration Fund."
for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may be appropriate, in accordance with the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—(A) IN GENERAL.—On request by the Secretary of the Interior and interested persons, the Secretary shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of $1,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the project;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments and;

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the project or its landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary irrigation water infrastructure; and

(E) relevant fire management activities.

(2) MULTIPARTY MONITORING.—(A) The Secretary shall, in collaboration with the interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(B) REPORT.—Not later than 5 years after the Fund transfers the money made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) is amended by adding at the end the following:

"(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

"(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

"(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

"(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.".

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORELINE TIELE.—This section may be cited as the "Craig Thomas Snake Headwaters Legacy Act of 2008".

(b) FINDINGS; PURPOSES.—(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide excellent fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(2) Lack of development, including performance measures and how prior year evaluations have contributed to improved project performance;

(3) Protection of community benefits achieved, including any local economic benefits; and

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(b) REPORT.—Not later than 5 years after the Fund transfers the money made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) is amended by adding at the end the following:

"(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

"(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

"(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

"(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.".

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORELINE TIELE.—This section may be cited as the "Craig Thomas Snake Headwaters Legacy Act of 2008".

(b) FINDINGS; PURPOSES.—(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide excellent fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to these rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstanding and remarkable qualities of the Snake River System; the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—(1) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (206) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (206) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams.

(d) ADDITIONS.—(1) ADDITIONS.—The portions of the Buffalo Fork of the Snake River, consisting of—

(ii) the proposed boundary extending northward from the confluence of the Buffalo Fork and the Snake River, as described in subsection (b)(10) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(iii) the portion of the Upper Gros Ventre River extending northward from the confluence of the Upper Gros Ventre River and the Snake River, as described in subsection (b)(10) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams.

(2) Effective Date.—This section shall take effect on the date of enactment of this Act.
“(i) the 56-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river; and

(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river;

(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

(i) the 16-mile segment from its source to Darwin Ranch, as a wild river;

(ii) the 39-mile segment from Darwin Ranch to the crossing of the boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

(G) TETON RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

(I) PUDDY CREEK.—The portions of Pacific Creek, consisting of—

(i) the 22.5-mile segment from its source to the Wind River Wilderness boundary, as a wild river; and

(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

(ii) the 1-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from the mouth of the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of water and the development and implementation of the water and wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) AMPHIBIOUS FLOODPLAINS.—The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedures required by the laws of the State of Wyoming.

(B) FOR THE PURPOSE OF QUANTIFICATION.—For the purpose of the quantification of water rights under this subsection, with respect to each river segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.
section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(3) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B.—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276a) is amended by adding at the end the following:

"(10) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River."

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a);

(B) submit a report describing the results of that study to the appropriate committees of Congress; and

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1245(a)) is amended by adding at the end the following:

"(27) ARIZONA NATIONAL SCENIC TRAIL.—

(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service."

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the Trails System Act (16 U.S.C. 1245(a)) (as amended by section 5201) is amended by adding at the end the following:

"(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail’ reproduced Route, numbered 70/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) MANAGEMENT.—The Secretary of the Interior shall—

(i) recognize the national significance of this phenomenon; and

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

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

(b) DEFINITIONS.—In this section—

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

(2) PLAN.—The term ‘plan’ means the cooperative management and interpretation plan authorized under subsection (b)(5).

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

(4) TRAIL.—The term ‘Trail’ means the Ice Age Floods National Geographic Trail designated by subsection (c).

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

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled ‘Ice Age Floods National Geographic Trail’, numbered 43/80,000 and dated June 2004.

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

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

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

(2) TRAIL MANAGEMENT OFFICE.—The Secretary, by appropriate order, shall establish and operate a trail management office at a central location within the vicinity of the Trail.
be used for development of the Trail.

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

(5) MANAGEMENT PLAN.—

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

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

(i) State, local, and tribal governments;
(ii) the Ice Age Floods Institute;
(iii) private landowners; and
(iv) other interested parties.

(C) CONTENTS.—The plan shall—

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

(1) locating features more accurately;
(2) improving the description of features; and
(3) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

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

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

(6) COOPERATIVE MANAGEMENT.—

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

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

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

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing set forth in this section shall—

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

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHEFORT REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

'(29) WASHINGTON-ROCHEFORT REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL—

'(A) IN GENERAL.—The Washington-Rochefort Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHEFORT REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T91:80,001, and dated June 2007.

'(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

'(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior, in cooperation—

(i) with Federal, State, tribal, regional, and local agencies; and
(ii) with the private sector.

'(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.'

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

'(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL—

'(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,280 miles, extending from the Continental Divide in the National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12:80,000, and dated February 2008 (referred to in this paragraph as the 'map').

'(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

'(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

'(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

'(C) ADDITION TO THE AREAS OTHERWISE DESIGNATED UNDER THIS PARAGRAPH.—In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study of 2006 (as may be amended) for the trail designated as the Trail of Tears National Historic Trail:

(i) The Benge and Bell routes.
limited to an average of not more than \( \frac{1}{4} \) mile on either side of the trail.

(6) 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 of 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.

(7) 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 of 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.

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

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

(b) by adding at the end of 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.

(b) 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) NATURE TRIZE TRJEC SCENIC TRAIL.

(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail, referred to in this paragraph as the trail' designates 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, and any Volunteer Trail Group designated by the Secretary of the Interior to participate in the development of the trail, shall by agreement, carry out the terms of the agreements entered into in accordance with this Act.

SEC. 3002. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end of the following—

(g) FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL TRAILS.

(1) DEFINITIONS.—In this subsection—

(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

(B) TERRITORY.—The term ‘territory’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

(2) REQUIREMENTS FOR REVISION.—

(A) IN GENERAL.—The Secretary of the Interior shall, after consulting with the States and other interested parties, conduct feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

(C) STUDY OF TRAILS.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

(3) OREGON NATIONAL HISTORIC TRAIL.—

(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830-1870’ and dated 1991-1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

(i) Whitman Mission route.

(ii) Upper Columbia River.

(iii) Cowlitz River route.

(iv) Meek cutoff.

(v) Free Emigrant Road.

(vi) North Alternate Oregon Trail.

(vii) Goodale’s cutoff.

(viii) North Side alternate route.

(ix) Cutoff to Barlow road.

(x) Naches Pass Trail.

(x) Pony Express National Historic Trail.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

(G) CALIFORNIA NATIONAL HISTORICAL TRAIL.—

(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830-1870’ and dated 1991-1993, and of such other routes of the Oregon and California Trail routes used by Mormon emigrants.

(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

(1) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

(2) 1856-57 Handcart route (Iowa City to Council Bluffs).

(3) 1857-58 Alternative Elkhorn and Loup River Crossings in Nebraska.

(4) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

(5) 1865-66 Golden Pass Road in Utah.

(6) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830-1870’ and dated 1991-1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail and the Oregon National Historic Trail.

(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

(i) St. Joe Road.

(ii) Council Bluffs Road.

(iii) Sublette route.

(iv) Applegate route.

(v) Old Fort Kearny Road (Ox Bow Trail).

(vi) Childs cutoff.

(vii) Raft River to Applegate.”.
SEC. 5003. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.  

Section 5(c) of the National Trails System Act (16 U.S.C. 1279) is amended by adding at the end the following:  

"(44) CHISHOLM TRAIL.—  

(A) IN GENERAL.—The Chisholm Trail (also known as the Abilene Trail), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Okahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas des-  

(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.  

"(45) GREAT WESTERN TRAIL.—  

(A) IN GENERAL.—The Great Western Trail (also known as the 'Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, north-northwest through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.  

(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas."
(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a three-phase grant shall use the funds to plan and carry out at least one watershed management project.

(iii) AMOUNT.—The Secretary shall use the funds to—

(A) pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) $100,000;

(ii) the position of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—No later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water; and

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) the ways in which the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6005. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to the establishment of the relevant watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 318b) is amended by adding at the end the following:

"(e) Competitive Status.—(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

(2) REDEDIIGNATION OF CERTAIN POSITIONS.—

(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Secretary a report that describes—

(i) any position or position classification that includes evidence of the employment;

(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the position as of the date of enactment of this Act; and

(iii) any legal fees arising from the establishment of the relevant position.

(B) PERSONS NON LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this Act, the Secretary shall redesignate the position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE COSTS.—

The Secretary shall use the funds for administrative costs of any activity of a watershed management project provided assistance through a first-phase grant shall be 100 percent.

The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

The Federal share of the cost of any activity of a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

The non-Federal share under subparagraph (a) may be in the form of in-kind contributions.

With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this Act—

(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the person as being part of the competitive service.

Subtitle C—Management of the Baca National Wildlife Refuge

SEC. 6201. BACA NATIONAL WILDLIFE REFUGE.


(1) in subsection (a)—

(A) by striking "(a) Establishment.—(1) When" and inserting "(a) Establishment and Purpose.—";

(2) "(1) Establishment and Purpose.—";

(B) National Forest System land controlled or administered by the Secretary of Agriculture through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(3) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(4) ANNUAL REPORTS.—

(1) IN GENERAL.—No later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water; and

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) the ways in which the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

(1) (A) emphasize migratory bird conservation; and

(B) take into consideration the role of the Refuge in broader landscape conservation efforts; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the provisions of the Refuge, the water rights on the Refuge in approximately the same manner that the water rights have been used historically.".

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term "Indian Land" means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hhb(1))); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and
the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) Coordination.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) Permit Requirement.—

(1) In general.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) Casual Collecting Exception.—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of Federal land.

(b) Criteria for Issuance of a Permit.—

The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that:

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) Permit Specifications.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary determines necessary to carry out the purposes of this subtitle. Every permit shall include requirements that:

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the repository or repository without the written permission of the Secretary.

(d) Suspension and Revocation of Permits.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for safety, resource, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) Area Closures.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

SEC. 6305. COLLECTED RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited with the Department of the Interior. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) In General.—A person may not:

(1) excavate, remove, damage, or otherwise alter or deface to excavate, remove, damage, or otherwise alter or deface any paleontological resource located on Federal land involved in any activity conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provision, rule, or regulation, law, ordinance, rule, or resolution in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from another.

(b) False Labeling Offenses.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) Penalties.—A person who knowingly violates or consents, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) Multiple Offenses.—In the case of a second or subsequent violation by the same person, any paleontological resource assessed under subsection (c) may be doubled.

(e) General Exception.—Nothing in this section shall affect any provision of Federal law or any paleontological resources located on Federal land involved in any activity conducted in accordance with this subtitle.

SEC. 6307. CIVIL PENALTIES.

(a) In General.—

(1) Hearing.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a civil penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) Amount of Penalty.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(b) False Labeling Offenses.—A person who violates or consents, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with amounts established in section 6305 or from appropriated funds—

(1) consistent with amounts established in section 6305 or from appropriated funds;

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE OF REWARDS.

The Secretary may pay from penalties collected under section 6305 or 6307 or from appropriated funds—

(1) consistent with amounts established in section 6305 or from appropriated funds;

(2) to any person who

(3) in the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.
furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided in subsection (a) the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or participates in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles, equipment, or any personal effects that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and any regulations promulgated under existing laws and authorities relating to civil or criminal forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for educational purposes.

SEC. 6209. CONFIDENTIALITY

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6401. APPROPRIATIONS

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1283), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement that is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles, equipment, or any personal effects that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and any regulations promulgated under existing laws and authorities relating to civil or criminal forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for educational purposes.

SEC. 6409. DEFINITIONS

In this subtitle:

(1) **CORPORATION.**—The term "Corporation" means the King Cove Corporation.

(2) **FEDERAL LAND.**—The term "Federal land" means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) **MAP.**—The term "map" means each of—

(A) the map entitled "Izembek and Alaska Peninsula National Wildlife Refuge" and dated September 2, 2008; and

(B) the map entitled "Sitkinak Island—Alaska Maritime National Wildlife Refuge" and dated September 2, 2008.

(4) **NON-FEDERAL LAND.**—The term "non-Federal land" means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(5) **REFUGE.**—The term "Refuge" means the Izembek National Wildlife Refuge.

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

(7) **STATE.**—The term "State" means the State of Alaska.

(8) **TRIBE.**—The term "Tribe" means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE

(a) **IN GENERAL.**—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary shall, subject to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) **CONFORMITY WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.**—

(1) **IN GENERAL.**—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—

(A) **IN GENERAL.**—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **REQUIREMENTS.**—The environmental impact statement prepared under subpart (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay Alaska; and

(3) **COORDINATING AGENCIES.**—

(A) **IN GENERAL.**—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) **AUTHORIZED ENTITIES.**—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2) (B)(viii); and

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) **VALUATION.**—The conveyance of the Federal land and non-Federal land pursuant to this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) **PUBLIC INTEREST DETERMINATION.**—

(1) **CONDITIONS FOR LAND EXCHANGE.**—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) **LIMITATION OF AUTHORITY OF SECRETARY.**—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States;

(B) impose any restriction on the subsistence activities (as defined in section 808 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3133)) of waterfowl by rural residents of the State.

(e) **KINZAROFF LAGOON.**—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) **DESIGNATION OF ROAD CORRIDOR.**—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.
SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(a) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(1) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under this paragraph; and

(2) the Federal land located on Sittiknak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred to the State upon the relinquishment or termination of the withdrawal.

(b) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the management guidance provision in the environmental impact statement required in section 6402(b)(1).

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish criteria and requirements to compensate livestock producers for livestock losses due to predation by wolves and to compensate livestock producers for livestock losses due to predation by wolves and to

(1) assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(c) RETURN OF PRIOR OWNERSHIP STATUS OF LAND.—If the land exchange as provided in section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6501. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4601).

(2) LIVESTOCK.—The term "livestock" means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes to

(1) assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(c) RETURN OF PRIOR OWNERSHIP STATUS OF LAND.—If the land exchange as provided in section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes to

(1) assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(c) RETURN OF PRIOR OWNERSHIP STATUS OF LAND.—If the land exchange as provided in section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes to

(1) assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(c) RETURN OF PRIOR OWNERSHIP STATUS OF LAND.—If the land exchange as provided in section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.
(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—
(A) MAP.—The term ‘‘MAP’’ means the map entitled ‘‘Paterson Great Falls National Historical Park—Proposed Boundary’’, numbered T03/80,001, and dated May 2008.

(b) PATTERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall establish a unit of the National Park System to be known as the ‘‘Patterson Great Falls National Historical Park’’. (B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—
(i) the Secretary has entered into a written agreement with the State or City; and
(ii) the Park agreed to between the Secretary and the State or City; and
(iii) the amounts made available to the project by the United States; or
(iv) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) Land and other properties; and

(ii) the Park agreed to between the Secretary and the State or City; and

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the property; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(F) THE ROGERS LOCOMOTIVE COMPANY ERECTING SHOP.—

(1) IN GENERAL.—Annually, until funds are made available for the fiscal year 2009 and each fiscal year thereafter.

(TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATTERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ‘‘City’’ means the City of Paterson, New Jersey.

(2) COMMISSION.—The term ‘‘Commission’’ means the Paterson Great Falls Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ‘‘Historic District’’ means the Great Falls Historic District that is in the State.

(4) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Park developed under subsection (d).

(B) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by the agreement for the purposes of—

(i) conducting visitors through the property; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) Land and other properties; and

(ii) the Park agreed to between the Secretary and the State or City; and

(iii) the amounts made available to the project by the United States; or

(iv) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(F) THE ROGERS LOCOMOTIVE COMPANY ERECTING SHOP.—

(1) IN GENERAL.—Annually, until funds are made available for the fiscal year 2009 and each fiscal year thereafter.

(TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATTERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ‘‘City’’ means the City of Paterson, New Jersey.

(2) COMMISSION.—The term ‘‘Commission’’ means the Paterson Great Falls Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ‘‘Historic District’’ means the Great Falls Historic District that is in the State.

(4) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Park developed under subsection (d).

(B) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by the agreement for the purposes of—

(i) conducting visitors through the property; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) Land and other properties; and

(ii) the Park agreed to between the Secretary and the State or City; and

(iii) the amounts made available to the project by the United States; or

(iv) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(F) THE ROGERS LOCOMOTIVE COMPANY ERECTING SHOP.—

(1) IN GENERAL.—Annually, until funds are made available for the fiscal year 2009 and each fiscal year thereafter.
Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91–383 (commonly referred to as the National Park Service General Authorities Act)” (16 U.S.C. 1–7(b)); and

(B) other applicable laws.

(2) COMPLIANCE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) DEPARTMENT.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERNUS GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the “Paternus Great Falls National Historical Park Advisory Commission.”

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 2 members shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission no later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERMS; VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select among the members of the Commission an individual to serve as Chairperson and an individual to serve as Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall be an officer of the Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairperson for not more than 1 year in each term.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from their homes in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with such staff members and technical assistance as the Secretary determines, after consultation with the Commission, to carry out the duties of the Commission.

(ii) DIRECTOR OF EMPLOYEES.—The Secretary may appoint the Director of Employees.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(A) STUDY OF HINCHLIFE STADIUM.—

(i) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the restoration and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(ii) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.
(b) Matching Funds.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking “$4” and inserting “$1”.

(c) Authorization of Appropriations.—Section 15(c) of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—
   (A) by striking “$25,000,000” and inserting “$50,000,000”;
   (B) by striking “$3,000,000” and inserting “$25,000,000”; and
   (2) in subsection (b), by striking “$100,000” and adding after “through those duties” and inserting “$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATION FACILITIES FOR WEIR NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County”;

(2) by amending paragraph (2) to read as follows:

“(2) Development.—

“(A) Maintaining Natural Character.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) Treatment of Previously Developed Property.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remedy such previously developed property to reflect the natural character described in subparagraph (A); and

(3) in paragraph (3), in the matter preceding paragraph (4), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”; and

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE PROPOSED BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 689q) is amended—

(1) in subsection (b)—
   (A) by striking “The Preserve” and inserting the following:

   “(1) in general.—The Preserve”; and
   (B) adding after “end the following” and inserting “and”;

(2) Boundary Expansion.—The boundary of the Preserve is modified to include the land depicted on the map entitled “Little River Canyon National Preserve Proposed Boundary”, numbered 152/80,004, and dated December 2007.

(3) in subsection (c), by striking “map” and inserting the following:

“map”;

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to revise and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Boundary Expansion’; and

subsection (b) of the Act was amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”;

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(6) only from willing sellers.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY EXPANSION.

(a) In General.—Section 901 of the National Parks and Recreation Act of 1976 (16 U.S.C. 230a) is amended in the second sentence by striking “the core area” and inserting “the coastal systems”.

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

(1) in subsection (a)—
   (A) by striking “(a)” and “within the” and all that follows through the first sentence and inserting the following:

   “(a) In General.—

   (1) Barataria Preserve Unit.

   (A) In General.—The Secretary may acquire any land, water, and interests in and upon the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, or transfer from any other Federal agency, or exchange.

   (B) Limitations.—

   (i) In General.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

   (ii) Boundary Adjustment.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

   (iii) Easements.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

   (B) Easements.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in subsection (a)(1) that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

   (C) Administration.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land described on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.

(c) Acquisition of State Land.—Section 904 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended—

(1) by striking “pending such establishment and thereafter the” and inserting “the”;

(2) by striking “pending such establishment and thereafter the” and inserting “the”;

(f) Resource Protection.—With respect to the land, water, and interests in land and water described in paragraph (1), the Secretary shall preserve and protect—

(1) fresh water drainage patterns;
(B) donation; or
(C) exchange.
(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park: (A) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.
(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.
(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—
(i) become part of the National Park; and
(ii) be administered in accordance with the laws applicable to the National Park System.

SEC. 7109. EVERG Aires National Park.
(a) INCLUSION OF TARPON BASIN PROPERTY.—
(1) DEFINITIONS.—In this subsection:
(A) HURRICANE HOLE.—The term "Hurricane Hole" means—
(i) a body of water within the Dunes Tract of the eastern parcel of the Tarpont Basin boundary adjustment and accessed by Dunes Creek.
(B) MAP.—The term "map" means the map entitled "Proposed Tarpont Basin Boundary Revision", numbered 16080.012, and dated May 2008.
(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(D) TARPON BASIN PROPERTY.—The term "TARPON BASIN property" means land that—
(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and
(ii) located in Key Largo.
(2) BOUNDARY REVISION.—
(A) IN GENERAL.—The provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as "Tract A".
(B) CONDITIONS.—The land exchange under subparagraph (A) shall—
(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.
(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.
(C) VALUATION.—
(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.
(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.
(D) APPRAISALS.—Before the exchange of land under this subsubsection, an appraisal for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.
(3) Land Exchange with State.
(A) IN GENERAL.—The provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as "Tract A".
(B) CONDITIONS.—The land exchange under subparagraph (A) shall—
(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.
(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

SEC. 7108. KALAPAAPA NATIONAL HISTORICAL PARK.
(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1896.
(b) DESIGN.—
(1) IN GENERAL.—The memorial authorized by subsection (a) shall—
(A) consist of a display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and
(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.
(a) COOPERATIVE AGREEMENTS.—Section 1001 of the Omnibus Public Land Management Act of 1996 (§ 1604k(k)(d)) is amended by striking paragraph (3) and inserting the following:
(3) AGREEMENTS.—
(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term "eligible entity" means—
(i) The Commonwealth of Massachusetts; or
“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).”

“(B) AUTHORITY OF SECRETARY.—Subject to subsection (A), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange:

(A) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and necessary for, interpretation of the Historical Park.

(B) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) acquis[ione] of property.—The Secretary may enter into agreements with an eligible entity for the acquisition, management, and use of the property within the recreation area; and

(i) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).”

“(B) TECHNICAL AMENDMENTS.—

(1) MEANS.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”

(2) D ONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSE.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) E STABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act. As generally described on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated August 25, 1916.

(c) M AP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) A DMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service for the purposes,” approved August 25, 1916 (39 Stat. 533; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and works of national significance, and for other purposes,” approved August 21, 1935 (36 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and necessary for, interpretation of the Historical Park.

(C) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(D) REPEAL OF SUPERSSED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(E) AUTHORIZATION.—The Secretary may enter into agreements in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 4101) is amended by adding at the end the following:

“SEC. 1602. VOTES FOR WOMEN TRAIL.

(a) DEFINITION.—(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established and administered by the Secretary.

(2) TRAIL ROUTE.—The term ‘Trail Route’ means the Women’s Rights National Historical Park.

(3) STATE.—The term ‘State’ means the State of New York.

(4) TRAIL.—The term ‘Trail’ means the Women’s Rights National Historical Park.

(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, upon request, shall designate as an official Trail Route a portion of the Trail System that is located on the Site.

(c) ADMINISTRATION.—The Secretary, acting through the Director of the National Park Service, shall—

(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

(2) coordinate the management, planning, and standards of the Trail in partnership with the National Park Service, other Federal agencies, and State and local governments;

(3) create and adopt an official, uniform symbol or device to mark the Trail; and

(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

(2) coordinate the management, planning, and standards of the Trail in partnership with the National Park Service, other Federal agencies, and State and local governments;

(3) create and adopt an official, uniform symbol or device to mark the Trail; and

(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

(1) all units and programs of the Park relating to the struggle for women’s suffrage;

(2) the City of New York, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

(3) other nongovernmental and nonFederal governmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and nonFederal purposes associated with the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

(g) AUTHORIZATION OF APPROPRIATIONS.—The Secretary is authorized to make grants to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).

(b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than $50,000 each year to assist in historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) USE.—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(c) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(d) MANAGEMENT OF NETWORK.

(1) GRANTS.—The Secretary may make grants to States, other Federal agencies, and State and local governments to provide financial assistance to cooperating entities and nongovernmental managing network to manage the network.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(3) MANAGEMENT OF NETWORK.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—The Secretary shall—

(1) GRANTS.—Subject to the consent of the owner of the property, the Secretary may make grants to eligible entities to provide for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and eligible entities to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(d) MANAGEMENT OF NETWORK.

(1) GRANTS.—Subject to the consent of the owner of the property, the Secretary may make grants to eligible entities to provide for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and eligible entities to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(d) MANAGEMENT OF NETWORK.

(1) GRANTS.—Subject to the consent of the owner of the property, the Secretary may make grants to eligible entities to provide for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and eligible entities to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(d) MANAGEMENT OF NETWORK.
available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary in the State of New York $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORICAL SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "historic site" means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term "map" means the map entitled "Boundary Map, Martin Van Buren National Historic Site", numbered "460/80801", and dated January 2006.

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

(c) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the "PROPOSED PARK BOUNDARY", as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered, as part of the historic site in accordance with applicable law (including regulations).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Palo Alto Battlefield National Historic Site shall be known and designated as the "Palo Alto Battlefield National Historical Park".

(b) ACQUISITION AUTHORITY.—The Secretary may acquire the land and buildings, Dayton, Ohio.''.

(c) ADDITIONAL AREAS INCLUDED IN PARK.—(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking "The Palo Alto Battlefield National Historic Site shall be known and designated as the "Palo Alto Battlefield National Historical Park".

(B) in the heading for section 3, by striking "Battlefield National Historic Site", numbered "460/80801", and dated January 2006.

(c) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 34 acres of land, as generally depicted on the map entitled "Palo Alto Battlefield NHS Proposed Boundary Expansion", numbered 468/40,012, and dated May 21, 2008.

(2) MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADDITIONAL SITES.—In addition to the Palo Alto Battlefield National Historic Site referred to in subsection (a) shall be deemed to be a reference to the "Palo Alto Battlefield National Historical Park".

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the "Abraham Lincoln Birthplace National Historical Park".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historical Park shall be deemed to be a reference to the "Abraham Lincoln Birthplace National Historical Park".

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 466m–20) is amended in the first sentence by striking "may" and inserting "shall".

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDUCTION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking "Gaylord A. Nelson" and inserting "Gaylord Nelson"; and

(B) in subsection (c), by striking "Gaylord A. Nelson Wilderness" and inserting "Gaylord Nelson Wilderness".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Gaylord A. Nelson Wilderness" shall be deemed to be a reference to the "Gaylord Nelson Wilderness".

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 285(b)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking "the George Washington Memorial Parkway" and inserting "Arlington House, The Robert E. Lee Memorial.".

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking "numbered 640/20,038I, and dated September 2003" and inserting "numbered 640/20,039K, and dated September 2005".

(d) PETRIFFED FOREST BOUNDARY.—Section 2(5) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking "numbered 110/80,044, and dated July 2004" and inserting "numbered 110/80,045, and dated January 2005".

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8003(d), by inserting "Natural" before "Resource";

(2) in section 8003(d), by inserting "Advisory Board" before "Commission"; and

(3) in section 8008(b)(1)–(3)

(A) in the first sentence, by inserting "Advisory Board" before "Commission"; and

(B) in the first sentence, by striking "House Administration" and inserting "Natural Resources".

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(2)(A) of the National Trails System Act (16 U.S.C. 1244(a)(2)(A)) is amended by striking "The Captain John Smith" and inserting "The Captain John Smith".

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Resources Study Act (Public Law 109–138; 120 Stat. 1856) is amended by striking "under section 605".

(h) USE OF RECREATION FEES.—Section 8003(k)(1) of the Delaware National Coastal Resources Study Act (16 U.S.C. 1248(a)(1)(F)) is amended by striking "section 6(a)" and inserting "section 6(a)


(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110–122; 122 Stat. 827) is amended by striking "Cuyahoga" each place it appears and inserting "Cuyahoga".

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—


(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Park shall be deemed to be a reference to the "Pennsylvania Avenue National Historic Site".

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—

Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

"(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall include all of the following sites, the boundaries of which may be used to defray the costs of park operation and programming.''

SEC. 7118. CHEROKEE Trace NATIONAL HISTORICAL PARK.

(a) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall include all of the following sites, the boundaries of which may be used to defray the costs of park operation and programming.

(b) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297(f)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting "duties" before "of the".

SEC. 7119. ARLINGTON NATIONAL CEMETERY.

(a) NAME.—Section 211 of the Department of Veteran Affairs Appropriations Act, 2009 (Public Law 110–284; 124 Stat. 2307) is amended by striking "Arlington National Cemetery" and inserting "Arlington Memorial Cemetery".

(b) ADDITIONAL FUNDS.—(1) APPROPRIATIONS.—The Secretary is authorized to enter into a cooperative agreement with a partnership, including the Wright Family Foundation, to operate and provide programming for the Wright Brothers National Memorial and the Wright Brothers National Memorial Museum.

(2) CONDITIONS.—Cooperative agreements under this section shall be amended by striking "Section 233 of the Consolidated Appropriations Act, 2009 (Public Law 110–161) is amended by striking "(4) by striking "Conference" and inserting "Aviation Heritage Foundation".

(3) AMENDMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operating and provide programming for the Wright Brothers National Memorial and the Wright Brothers National Memorial Museum, and charge reasonable fees not withstanding any other provision of law, which may be used to defray the costs of park operation and programming.

(4) by striking "Conference" and inserting "Aviation Heritage Foundation".
(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 4 under the subdivision (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

(b) IN GENERAL.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail Inc., the Ohio Historical Society, and Dayton History, for projects requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partners and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking “104” and inserting “106”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and redesignating subsection (b)(3) as subsection (b)(2);

(4) in section 505(b)(1), by striking “106” and inserting “506”.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE. Public Law 87–215 (16 U.S.C. 461 note) is amended as follows:

(1) in the first section—

(A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;

(B) by striking “476 acres” and inserting “646 acres” and “in sections 3, 4, 5, 7, 8, 9, and 10 of Public Law 104–203,”;

(C) by adding at the end the following:

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map entitled “Fort Davis Proposed Boundary Expansion”, numbered 418,80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”;

(2) by redesignating subsection (a) as subsection (b); and

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY. (a) DEFINITIONS.—In this section:

(1) the term “Secretary”, when used in connection with or to refer to the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the national significance and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after enactment of this Act, the funds made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(b) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modi County;

(B) the State of California;

(C) appropriate Federal agencies; and

(D) the Department of the Interior;

(E) private and nonprofit organizations; and

(F) local private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 7204. HARRETT BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).
SEC. 7206. GREEN MACADO SCHOOL, TENNESSEE.
(a) In General.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Green Macado School (also referred to in this section as the "site") to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) Conduct.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) Contents.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.
(a) In General.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Battle of Matewan Special Resource Study, with respect to the historic areas.

(b) Study Requirements.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7206. BUTTERFIELD OVERLAND TRAIL.
(a) In General.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study along the route known as the "Ox-Bow Route" of the Butterfield Overland Trail (referred to in this section as the "route") to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the route to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) Study Requirements.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.
(a) In General.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the "Matewan Massacre" of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) Study Requirements.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. SOURCE STUDY.
(a) Definitions.—

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee, to be known as the "Cold War Advisory Committee'', as established by the Secretary after funds are made available to carry out the requirements of this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) shall have expertise in Cold War history or Cold War-related themes;

(B) shall have expertise in historic preservation; and

(C) shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall consist of a chairperson from among the members of the Advisory Committee, to be selected by the Secretary.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(b) Study Requirements.—The Advisory Committee shall conduct a national historic landmark theme study to—

(1) identify sites and resources in the United States that are significant to the Cold War;

(2) recommend new designations to the Secretary; and

(3) carry out the recommendations under subparagraphs (A) and (B) of subsection (b).

(c) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(d) Advisory Committee.—

(1) Establishment.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the "Cold War Advisory Committee'', to assist the Secretary in carrying out this section.

(2) Composition.—The Advisory Committee shall be composed of 4 members to be appointed by the Secretary, of whom—

(A) shall have expertise in Cold War history or Cold War-related themes;

(B) shall have expertise in historic preservation; and

(C) shall represent the general public.

(3) Chairperson.—The Advisory Committee shall consist of a chairperson from among the members of the Advisory Committee, to be selected by the Secretary.

(4) Compensation.—A member of the Advisory Committee shall serve without compensation but may be reimbursed for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) Meetings.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) Interpretive Handbook on the Cold War.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War;

(2) disseminate information in the theme study by other appropriate means.
(e) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.
(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of historic Geronimo and other related resources, to determine—

(1) the suitability and feasibility of designating the sites or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) the recommendations of the Secretary.

SEC. 7212. FORT SAN GERONIMO, PUERTO RICO.
(a) DEFINITIONS.—In this section:

(1) FORT SAN GERONIMO.—The term ‘‘Fort San Geronimo’’ (also known as ‘‘Fortín de San Gerónimo’’) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term ‘‘related resources’’ means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of Fort San Geronimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Geronimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Geronimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7001. AMERICAS’S TREASURES PROGRAM.
(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefields Protection Program, shall encourage, support, assist, recognize, and work in partnership with the State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) Not later than 3 years after the date on which funds are made available to carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD.—The term ‘‘Battlefield’’—

(i) means the Secretary’s report entitled ‘‘Report on the Nation’s Civil War Battlefields’’, prepared by the Civil War Sites Advisory Commission, and dated July 1983; and

(ii) that is identified in the Battlefield Report.

(B) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONFEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(4) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 9(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460m–2(f)(3))

(5) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to provide grants under this section $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7002. PRESERVE AMERICA PROGRAM.
(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ‘‘Council’’ means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ‘‘heritage tourism’’ means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including cultural systems), and culture of the site or area.

(3) PROGRAM.—The term ‘‘program’’ means the Preserve America Program established under subsection (c)(1).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section—

(i) a project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) an education and interpretation project that conveys the history of a community or site.

(iii) a planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) a training project that provides opportunities for professional development in areas that would advance a community in using and promoting its historic resources.

(v) a project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America’s Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.
grant under this section shall be not less than 50 percent of the total cost of the project.

(b) Form of non-Federal share.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) Requirement.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Designation of Preserve America Communities.—

(1) Application.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) Criteria.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood shall submit an application under paragraph (1) that, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, meet the following:

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(e) Local governments previously certified for historic preservation activities.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470c(a)).

(f) Guidelines.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

(g) Regulations.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA’S TREASURES PROGRAM.

(a) Purpose.—The purpose of this section is to authorize within the Department of the Interior the Save America’s Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President’s Committee on the Arts and the Humanities.

(b) Definitions.—In this section—

(1) Collection.—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) Eligible entity.—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) Historic property.—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470a).

(4) National significance.—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations prescribed by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) Program.—The term “program” means the Save America’s Treasures Program established under subsection (c)(1).

(6) Secretary.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) Establishment.—

(1) In general.—There is established in the Department of the Interior the Save America’s Treasures Program, a community, tribal area, or neighborhood that has submitted an application for a grant under this section under paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) Determination of grants.—Of the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(3) Applications for grants.—To be considered for a grant for the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) Eligible properties eligible for competitive grants.—The Department of the Interior shall provide a competitive grant to any eligible entity to preserve or to repair the historic property if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(b) Eligible entities.—A determina- tion by the Secretary regarding the national significance of collections under paragraph (A)(i) shall be made in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii).

(c) Eligible historic properties.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(d) Selection criteria for grants.—

(A) In general.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property; and

(ii) has a clear public benefit; and

(3) is able to be completed on schedule and within the budget described in the grant application.

(4) Preference.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(5) Limitation.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a fiscal year.

(6) Consultation and notification by Secretary.—

(A) Consultation.—

(i) In general.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) Limitation.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) Notification.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) Cost-sharing requirement.—

(A) In general.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall not be less than 50 percent of the total cost of the project.

(B) Form of non-Federal share.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) Requirement.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under this program. If an entity has submitted an application for a grant under this section, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(D) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 236) is amended by striking “2008” and inserting “2019”.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.—

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

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396e(f)(7)) is
amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

SEC. 7403. ESTABLISHMENT OF 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the State of Florida.

(b) STRIKING.—The term “strike” means the Governor of the State.

(c) PRODUCTION.—The term “production” means the Secretary of the Interior.

(d) VACANCY.—The term “vacancy” means the Governor, after considering the recommendations of the Mayor of the city of St. Augustine.

(e) COMMISSION.—The term “Commission” means the 450th Commemoration Commission established by subsection (b)(1).

(f) GOVERNOR.—The term “Governor” means the Governor of the State.

(g) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(h) STATE.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, taking into consideration the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(b) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(c) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTICIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(III) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service, the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for more than the 90-day period beginning on the date on which that member ceases to hold the position.

(IV) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other community activities appropriate for the commemoration;

(D) help ensure that the observances of the United States to organize and participate in the 450th Commemoration Commission;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine.

(F) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(G) provide travel and subsistence for the public scholarly research on, publication about, and interpretation of, St. Augustine.

(h) PROCUREMENT.—

(1) GENERAL.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission directs to carry out its work.

(i) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(j) PROCUREMENT.—

(A) GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section, except that a contract or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(B) LIMITATION.—The Commission may not purchase real property.

(k) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(l) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration.

(m) TECHNICAL ASSISTANCE.—The Commission may provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration.

(n) COMMISSION FUND.; FUND BUDGET.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(o) CONSTRUCTION.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the Commission.

(p) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subsection (b)(5), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(q) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of the United States to organize and participate in the 450th Commemoration Commission.

(r) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may detail an executive director to enable the Commission to perform the duties of the Commission.

(B) FEDERAL EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(s) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may detail an executive director to enable the Commission to perform the duties of the Commission.

(B) FEDERAL EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(t) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(u) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(v) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(w) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) GENERAL.—The Commission may accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.
(i) accept the services of personnel detailed from the State; and
(ii) reimburse the State for services of detailed personnel.

(b) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule as determined under paragraph (1) of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) REIMBURSEMENT.—Any reimbursement under this subparagraph shall be credited to the appropriation, fund, or account used for paying the expenses.

(9) FACA NONAPPLICABILITY.—Section 14(b)(1) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the Secretary of the National Park Service, the city of St. Louis, any designee of the Secretary, or any designee of those entities, with respect to the commemoration.

(1) REIMBURSEMENT.—

(A) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(B) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, and scenic resources of the Heritage Area; and

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(aa) each property in the core area described in subsection (b)(2); and

(ii) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

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

(iii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iv) a description of actions that government and private organizations have agreed to take to protect the natural, historical, cultural and scenic resources of the Heritage Area;

(v) a program of implementation for the management plan by the management entity that includes a description of—

(aa) actions to facilitate ongoing collaborative efforts among partners to promote plans for resource protection, restoration, and construction; and

(iv) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(v) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(vi) criteria for determining the eligibility of otherwise similar projects for Federal assistance under this Act.
CONGRESSIONAL RECORD — SENATE

S495

January 15, 2009

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation; and
(v) the identification of sources of funding for carrying out the management plan;
(vi) analysis and recommendations for means, projects, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and
(vii) an interpretive plan for the Heritage Area; and
(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be required to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—
(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.
(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
(i) the management entity is representative of the landscape of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;
(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the development of the management plan; and
(iii) the resource protection and interpretation strategies contained in the management plan, if adopted, would adequately protect the natural, historical, and cultural resources of the Heritage Area.
(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—
(i) advise the management entity in writing of the reasons for the disapproval;
(ii) make recommendations for revisions to the management plan; and
(iii) within 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—
(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary—
(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) prepare a report in accordance with paragraph (3).
(B) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—
(i) assess the progress of the management entity with respect to—
(I) accomplishing the purposes of this section for the Heritage Area; and
(II) achieving the goals and objectives of the approved management plan for the Heritage Area;
(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the average impact and the investments; and
(iii) analyze the development and implementation, partnerships, relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.
(C) REPORT.—
(i) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
(ii) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that the Federal funding for the agreements to be reauthorized, the report shall include an analysis of—
(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:
(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Cache La Poudre River National Heritage Area established by subsection (b)(1).
(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).
(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (d)(1).
(4) MAP.—The term ‘‘map’’ means the map entitled ‘‘Cache La Poudre River National Heritage Area’’, numbered 96080.003, and dated April, 2004.
(5) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.
(6) STATE.—The term ‘‘State’’ means the State of Colorado.
(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—
(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.
(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.
(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—
(A) the National Park Service; and
(B) the local coordinating entity.
(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a non-profit organization incorporated in the State.
(c) ADMINISTRATION.—
(1) AUTHORIZED.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—
(A) to make grants to the State (including any political subdivision of the State), non-profit organizations, and other individuals; and
(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;
(2) TO HIRE AND COMPENSATE STAFF.—The local coordinating entity shall be the Poudre Heritage Alliance, a non-profit organization incorporated in the State.
(3) TO MAKE GRANTS.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—
(A) to make grants to the State (including any political subdivision of the State), non-profit organizations, and other individuals;
(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;
(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;
(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;
(E) to enter into contracts for goods or services; and
Secretary for audit all records concerning other organizations, that the organizations audit all records relating to the expenditure ties during the year that the report is made; (ii) make available to the Secretary for consultation with the State, shall approve or disapprove the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan; (B) Consultation and Coordination.—To determine whether to approve the management plan, the Secretary shall consider whether—(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural, and historic resource protection organizations, educational institutions, businesses, and recreational organizations; (ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public governmental involvement in the preparation of the management plan; and (iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area; (C) Action Following Disapproval.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—(i) advise the local coordinating entity in writing of the reasons for the disapproval; (ii) make recommendations for revisions to the management plan; and (iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

Amendments.—(A) In General.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) Use of Funds.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendment to the management plan until the Secretary has approved the amendments.

Relationship to Other Federal Agencies.—(1) In General.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) Consultation and Coordination.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

Other Federal Agencies.—Nothing in this section—(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal lands under the jurisdiction of the Federal agency; (B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or (C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

Private Property and Regulatory Protections.—Nothing in this section—(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area; (2) requires any property owner—(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or (B) to modify public access or use of property of the property owner under any other Federal, State, or local law; (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency; (4) conveys any land use or other regulatory authority to the local coordinating entity; (5) authorizes or implies the reservation or appropriation of water or water rights; (6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or (7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

Evaluation; Report.—(1) In General.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—(A) conduct an evaluation of the accomplishments of the Heritage Area; and (B) prepare a report in accordance with paragraph (3).

(2) Evaluation.—An evaluation conducted under paragraph (1)(A) shall—(i) assess the progress of the local coordinating entity with respect to—(I) accomplishing the purposes of this section for the Heritage Area; and (II) achieving the objectives of the approved management plan for the Heritage Area;
(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(C) recommend any needed changes to the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(2) Management.-
(A) In general.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) Required analysis.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) Submission to Congress.—On completion of the report, the Secretary shall submit to the Congress—
(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

(h) Funding.—
(1) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) Cost-Sharing Requirement.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) Termination of Authority.—The authorization of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) Conforming Amendment.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) Definitions.—In this section:
(1) Board.—The term ‘‘Board’’ means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) Heritage area.—The term ‘‘Heritage area’’ means the South Park National Heritage Area established by subsection (b)(1).

(3) Management entity.—The term ‘‘management entity’’ means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) Management plan.—The term ‘‘management plan’’ means the management plan for the Heritage Area required by subsection (d).

(b) Establishment.—There is established in the State the South Park National Heritage Area.

(c) Boundaries.—The Heritage Area shall consist of the areas included in the map.

Map.—A map of the Heritage Area shall be—
(A) included in the management plan; and
(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Management entity.—
(A) In general.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) Membership requirements.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) Administration.—
(1) Prohibition on the acquisition of real property.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) Authorities.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—
(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;
(B) enter into cooperative agreements with the State or a political subdivision of the State, nonprofit organizations, and other interested parties;
(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;
(D) obtain funds or services from any source, including funds or services that are otherwise provided under any other Federal law or program;
(E) enter into contracts for goods or services; and
(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(d) Duties.—The management entity shall—
(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area that—
(aa) is related to the themes of the Heritage Area; and
(bb) should be preserved, restored, maintained, developed, or promoted because of the significance of the property;
(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—
(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;
(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;
(iii) developing economic, recreational, and educational opportunities in the Heritage Area;
(iv) increasing public awareness of, and appreciation for, the future uses of historic, recreational, agricultural, and natural resource values of the Heritage Area;
(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;
(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;
(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and
(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been made available under this section—
(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made); and
(ii) require, with respect to all agreements authorizing expenditure of Federal funds by the management entity to organizations receiving the funds make available to the Secretary for audit all records relating to the expenditure of the funds; and
(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(e) Cost-Sharing Requirement.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(f) Management Plan.—
(1) In general.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) Requirements.—The management plan shall—
(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;
(B) take into consideration State and local plans;
(C) include—
(i) an inventory of—
(aa) the resources located within the areas included in the map; and
(bb) any other eligible and participating property within the areas included in the map; and
(D) any other eligible and participating property within the areas included in the map; and
(ii) comprehensive policies, strategies, and recommendations for conservation, funding, grants, development, and promotion of the Heritage Area;
(iii) a description of actions that governments, private organizations, and individuals agree to take to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(g) Program of Implementation for the Management Plan.—For the fiscal year that is 15 years after enactment of this Act, and each fiscal year thereafter, the management entity shall—
(A) enter into contracts for goods or services; and
(B) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;
(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction.

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) a plan of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service, are coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance public property protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

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

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

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(5) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would be—

(A) a substantial change to the management plan; and

(B) use of FUNDs.—The management entity shall not use Federal funds authorized by this section to make any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(II) CONSULTATION AND koordination.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(III) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation under which a Federal agency manages Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(I) abridges any property owner’s right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(ii) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(iii) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency, or convicts any land use or other regulatory authority to the management entity;

(iv) authorizes or implies the reservation or appropriation of water or water rights;

(v) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(vi) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(I) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(ii) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplish the purposes of this section for the Heritage Area; and

(ii) achieve the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the essential components for sustainability of the Heritage Area.

(iii) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section expires on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(I) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Northern Plains National Heritage Area established by subsection (b)(1).

(ii) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(C) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (d).

(D) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(E) STATE.—The term ‘‘State’’ means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(c) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a non-profit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—
(i) the specific performance goals and accomplishments of the local coordinating entity;
(ii) the expenses and income of the local coordinating entity;
(iii) the amounts and sources of matching funds;
(iv) the amounts leveraged with Federal funds and the leveraged funds and grants made to any other entities during the fiscal year;
(C) make available for audit for each fiscal year and for such additional periods as the Secretary deems necessary to implement the management plan, if implemented, would be consistent with the purposes of the Heritage Area;
(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational properties and resources of the Heritage Area;
(E) describe a program for implementation of the management plan, including—
(1) performance measures and performance indicators that are consistent with the purposes of the Heritage Area;
(ii) plans for resource protection, enhancement, interpretation, funding, management, and development;
(iii) specific commitments for implementation that are consistent with the purposes of the Heritage Area;
(F) include a plan for funding for the Heritage Area, including—
(i) the purposes of the Heritage Area;
(ii) the amount of funds to be provided for each purpose; and
(iii) the sources of the funds;
(G) include a statement of the extent to which Federal, State, tribal, and local governments may provide financial assistance and, on a reimbursement basis, technical assistance under this section to the local coordinating entity.
(a) Requirements.—The management plan for the Heritage Area shall—
(b) include provisions that assist in—
(i) the interpretation, funding, management, and development of the Heritage Area;
(ii) the diversification and sustainability that is consistent with the purposes of the Heritage Area;
(iii) the protection, enhancement, interpretation, funding, management, and development of the Heritage Area;
(iv) the local coordinating entity's role in carrying out the purposes of the Heritage Area;
(v) the management plan would not adversely affect any activities authorized on public land under public law or land use plans;
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan;
(vii) the management plan describes partnerships among entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector partners for implementation of the management plan.
(b) Review.—The Secretary shall review the management plan for the Heritage Area and, if the Secretary finds that the management plan is not consistent with the purposes of the Heritage Area, the Secretary shall approve or disapprove the revised management plan.
(c) Amendments.—(1) In general.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.
(2) Implementation.—The local coordinating entity shall use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.
(d) Consultation and Coordination.—To the maximum extent practicable, the head of the executive branch shall ensure that the purposes of the Heritage Area are consistent with the purposes of the management plan.
(e) Relationship to Other Federal Agencies.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

S499
any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
(B) limits the discretion of a Federal land management agency to implement an approved land use plan within the boundaries of the Heritage Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(I) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—
(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
(2) requires any property owner to—
(A) permit public access (including access by Federal land management agencies) to the property of the property owner; or
(B) modify public access, or use of, the property of the property owner under any other Federal, State, or local law;
(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;
(4) conveys any land use or other regulatory authority to the local coordinating entity;
(5) authorizes or implies the reservation or appropriation of water or water rights;
(6) diminishes the authority of the State to manage water, including the regulation of fishing and hunting within the Heritage Area; or
(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) EVALUATION.—
(A) In general.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—
(1) conduct an evaluation of the accomplishments of the Heritage Area; and
(2) prepare a report in accordance with paragraph (1).

(B) Evaluation.—An evaluation conducted under paragraph (1)(A) shall—
(A) assess the progress of the local coordinating entity in carrying out activities described in subsection (d), including increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area; and
(B) provide to the Secretary an evaluation of the implementation of the management plan for the Heritage Area.

(3) REPORT.—
(A) In general.—Based on the evaluation conducted under paragraph (2)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that the Heritage Area be reauthorized, the report shall include an analysis of—
(1) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(2) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to the Committee on Energy and Natural Resources of the Senate; and
(D) the Committee on Natural Resources of the House of Representatives.

(4) MANAGEMENT PLAN.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(F) DUTIES OF THE LOCAL COORDINATING ENTITY.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(A) IN GENERAL.—Based on the evaluation of the accomplishments and recommendations of the Heritage Area; and
(B) report to the Secretary, for the purposes of preparing the management plan, the Secretary shall—
(A) conduct an evaluation of the activities of the Heritage Area, established by subsection (b)(1).
(B) prepare, and submit to the Secretary, for the purposes of preparing and implementing the management plan by—
(A) preparing and implementing the management plan; and
(B) making available for audit all records and information pertaining to the expenditure of Federal funds under this section specifying—
(i) the accomplishments of the local coordinating entity;
(ii) the expenses and income of the local coordinating entity;
(iii) the amounts and sources of matching funds;
(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and
(v) grants made to any other entities during the fiscal year.

(G) AUTHORIZATION OF APPROPRIATIONS.—Nothing in this section—
(A) modifies or alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency; or
(B) limits the discretion of a Federal land management agency to implement an approved land use plan within the boundaries of the Heritage Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(5) AUTHORIZATIONS.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—
(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons; and
(B) enter into cooperative agreements with, or provide technical assistance to, the political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties.

(6) VIOLATIONS.—The local coordinating entity shall—
(A) provide to the Secretary, at a minimum, a report to the Secretary, for the purposes of preparing and implementing the management plan, the Secretary shall—
(A) provide to the Secretary, for the purposes of preparing and implementing the management plan, the Secretary shall—
(A) prepare, submit to the Secretary, and the local coordinating entity shall—
(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area; and
(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—
(i) preparing and implementing the management plan;
(ii) providing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;
(iii) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;
(iv) ensuring that access identifying points of public access and sites of interest are posted throughout the Heritage Area; and
(v) providing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;
(vi) ensuring that access identifying points of public access and sites of interest are posted throughout the Heritage Area; and
(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;
(C) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan.

(A) HERITAGE AREA.—The term "Heritage Area"—
(B) Baltimore National Heritage Area, Maryland.
(C) Baltimore National Heritage Area.—
(D) Baltimore National Heritage Area, Maryland.
(E) Baltimore National Heritage Area.—
(F) Baltimore National Heritage Area, Maryland.
(G) Baltimore National Heritage Area.—
(H) Baltimore National Heritage Area, Maryland.
(E) contract for goods or services; and
(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) incorporate comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) components for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section unless the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) REQUIREMENT.—Until the Secretary approves the management plan, the local coordinating entity shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic areas, natural resources, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans; and

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effectiveness of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTIONS FOLLOWING DISAPPROVAL.—

(I) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(1) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(2) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) REQUIRED ANALYSIS.—If the Secretary preparers revised management plan, the Secretary shall submit a report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(E) AMENDMENTS.—

(I) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this title to implement an amendment to the management plan until the Secretary approves the amendment.

(F) DUTIES AND AUTHORITY OF THE SECRETARY.—

(1) GENERAL.—The Secretary, in consultation with the local coordinating entity and any other public or private entities to provide technical or financial assistance under subparagraph (A), shall—

(i) review the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(G) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged and advised to coordinate the activities with the Secretary and the local coordinating entity.

(H) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorization of use of Federal land under the jurisdiction of a Federal agency.

(3) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—
(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property;

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) authorizes or uses any regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the property.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000. No more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(ii) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(c) TERMINATION OF EFFECTIVENESS.—

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

SEC. 8006. FREEDOM’S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to develop, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Freedom’s Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ‘‘map’’ means the map entitled ‘‘Freedom’s Way National Heritage Area’’, numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom’s Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(i) prepare, and submit to the Secretary, the management plan for the Heritage Area;

(ii) establish and maintain interpretable exhibits and programs within the Heritage Area;

(iii) develop and maintain an interpretive plan for the Heritage Area;

(iv) ensure that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(v) develop and maintain a unified historic preservation plan for the Heritage Area; and

(vi) develop and implement a cultural resources management plan for the Heritage Area.

(B) IN GENERAL.—Not later than 3 years after the date on which funds are made available under this section to develop the management plan, the local coordinating entity shall submit to the Secretary a report that describes the management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (A) that develops a unified historic preservation plan and interpretation plan; and

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area.

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, preserve, and interpret the cultural, historic, scenic, and natural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management; and

(I) ensure, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(3) IN GENERAL.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds and services provided under any other Federal law or program; and

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000.

(2) REQUIREMENTS.—The local coordinating entity may use Federal funds made available under this section to—

(A) describe the management plan; or

(B) list, or eligible for listing, on the National Register of Historic Places.

(f) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available under this section to develop the management plan, the local coordinating entity shall submit to the Secretary a report that describes the management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (A) that develops a unified historic preservation plan and interpretation plan; and

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area.

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, preserve, and interpret the cultural, historic, scenic, and natural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management; and

(I) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORIZES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds and services provided under any other Federal law or program; and

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000.
January 15, 2009

CONGRESSIONAL RECORD — SENATE

S503

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and
(iii) support economic revitalization efforts;

(i) describe a program for implementation of the management plan, including—

(1) restoration and construction plans or goals;
(ii) a program of public involvement;
(iii) annual work plans; and
(iv) recommendations for Federal funding and other resources necessary to implement the management plan for the Heritage Area.

(Termination of Funding).—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(Approval of Management Plan).—In determining whether to approve the management plan, the Secretary shall consider whether—

(I) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and non-governmental organizations;
(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including at least one public hearing and public meetings) in the preparation of the management plan;
(iii) the resource protection and interpretation strategies described in the management plan, if approved, would adequately protect the natural, historic, and cultural resources of the Heritage Area;
(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;
(v) the Secretary has received adequate assurance from the appropriate State, tribal, and local officials whose support is needed to secure the effective implementation of the State, tribal, and local aspects of the management plan;
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) Action Following Disapproval.—

(I) In General.—If the Secretary disapproves the management plan, the Secretary shall—

(1) advise the local coordinating entity in writing of the reasons for the disapproval; and
(2) make recommendations to the local coordinating entity for revisions to the management plan.

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(Submission to Congress).—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

(G) Relationship to Other Federal Agencies.

(1) Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency; or
(B) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency; or
(C) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area.

(2) Property Owners and Regulatory Protections.—Nothing in this section—

(A) may be in the form of in-kind contributions or services fairly valued.

(3) Other Federal Agencies.

(A) In General.—Not later than 3 years after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) Criteria for Approval.—In determining whether to approve the management plan, the Secretary shall—

(I) shall advise the local coordinating entity of the purposes for which Federal funding for the Heritage Area may be reduced or eliminated; and
(ii) the local coordinating entity, the Secretary may prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(Evaluation; Report).—An evaluation conducted under subparagraph (A)(i) shall—

(I) describe a program for implementation of the management plan, the Secretary shall approve or disapprove the management plan.

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities described in the management plan; and
(ii) provides adequate assurances that the local coordinating entity has the partnership and other resources necessary to implement the management plan for the Heritage Area.

(Termination of Funding).—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(Approval of Management Plan).—In determining whether to approve the management plan, the Secretary shall—

(i) describe the role, operation, financing, and functions of the local coordinating entity and each of the major activities described in the management plan; and
(ii) provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(D) Duties and Authorities of the Secretary.—

(I) Technical and Financial Assistance.—

(A) In General.—On the request of the local coordinating entity, the Secretary may—

(i) conduct an evaluation of the management plan, the Secretary shall approve or disapprove the management plan.

(2) Evaluation; Report.—

(A) In General.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) Evaluation.—An evaluation conducted under subparagraph (A)(i) shall—

(I) include an interpretive plan for the Heritage Area; and
(ii) support economic revitalization efforts; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) Report.—

(I) In General.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall—

(ii) provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(ii) include the development of Federal land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) Report.—

(I) In General.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall—

(ii) include an interpretive plan for the Heritage Area; and

(ii) achieve the goals and objectives of the approved management plan for the Heritage Area.

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) Report.—

(I) In General.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall—

(ii) provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(ii) include the development of Federal land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) Report.—

(I) In General.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall—

(ii) include an interpretive plan for the Heritage Area; and

(ii) achieve the goals and objectives of the approved management plan for the Heritage Area.

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) Report.—

(I) In General.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall—

(ii) include an interpretive plan for the Heritage Area; and

(ii) achieve the goals and objectives of the approved management plan for the Heritage Area.

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnerships, and performance of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.
SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (c)(1)(A).

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

(5) STATE.—The term ‘‘State’’ means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Clarke, Coahoma, Colusa, Covington, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) FOLLOWING DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately 1/2 mile due north of Highway Interstate 206);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interstate 12, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(A) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(B) follow Highway 51 south until it intersects Highway Interstate 12;

(C) extend along Highway Interstate 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(D) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(E) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeastern terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Tennessee State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(C) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(1) POWERS.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(2) OFFICERS.—The Board of Directors shall consist of—

(A) a Chair elected by the Board of Directors from its membership; and

(B) a Secretary elected by the Board of Directors from its membership.

(C) MEMBERS.—The Board of Directors shall consist of representatives of governments, governmental agencies, businesses, non-profit organizations, academic, non-profit organizations, and other organizations in the Heritage Area.

(D) QUORUM.—A quorum of the Board of Directors is comprised of at least one member from each of the local political subdivisions within the Heritage Area.

(E) DUTIES.—The Board of Directors shall—

(A) establish and maintain the local coordinating entity;

(B) approve the management plan;

(C) enter into cooperative agreements with, or provide technical assistance to, the local coordinating entity; and

(D) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area.

(D) LOCAL COORDINATING ENTITY.—

(1) ESTABLISHMENT.—There is established the local coordinating entity for the Heritage Area, which shall be the Secretary of the Interior.

(2) DUTIES.—The local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist in the implementation of the management plan, if implemented, would adequately protect the natural, historical, cultural, and recreational resources of the Mississippi Hills National Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(E) make available for audit for each fiscal year the funds and any matching funds; and

(F) ensure the effective implementation of the management plan.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State, the local coordinating entity, and tribal and local governments in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, educational institutions, businesses, community residents, and recreational organizations;

(ii) the plan would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iii) the local coordinating entity is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area;

(iv) the plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(v) the management plan would not adversely affect any area included on Federal or tribal land under applicable laws or land use plans; and

(vi) the Secretary has received adequate assurances from the local coordinating entity, the State, tribal, and local officials whose support is needed to ensure the effective implementation of the management plan.
State, tribal, and local aspects of the management plan; and
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—
(i) In general.—If the Secretary disapproves the management plan, the Secretary—
(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(II) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—
(i) In general.—After approval by the Secretary of the management plan, the Alliance shall periodically—
(II) review the management plan; and
(I) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(II) MODIFICATION.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(III) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(D) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(I) TECHNICAL AND FINANCIAL ASSISTANCE.—
(A) In general.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with any coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) FEES.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—
(i) conserving the significant natural, historical, cultural, biological, and recreational resources of the Heritage Area; and
(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—
(A) In general.—Not later than 3 years before the date on which authority for Federal funding under this title expires, the Secretary shall—
(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—
(i) assess the progress of the local coordinating entity with respect to—
(II) the purposes of this section for the Heritage Area; and
(II) achieving the goals and objectives of the approved management plan for the Heritage Area;
(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—
(I) In general.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under paragraph (I) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
(II) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(III) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—
(I) the Committee on Energy and Natural Resources of the Senate; and
(II) the Committee on Natural Resources of the House of Representatives.

(II) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) In general.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area shall consult and coordinate the activities with the Secretary and the local coordinating entity.

(III) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area;
(C) modifies, alters, or amends any authorization of Federal land under the jurisdiction of a Federal agency; or
(D) diminishes the authority of the State and local coordinating entities for revisions to the management plan.

(H) EXCEPTIONS TO STATE AND LOCAL COORDINATING ENTITY.—In assisting the Heritage Area, the Secretary shall—
(A) authorize a State or local agency, or tribal government; or
(B) convey any land use or other regulatory authority to the State, local coordinating entity.

(2) TERMINATION OF FINANCIAL ASSISTANCE.—
(A) IN GENERAL.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

B. ESTABLISHMENT.—

(SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(1).

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(c) MANAGEMENT PLAN.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—
(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
(B) requires any property owner to—
(i) permit public access (including Federal, tribal, State, or local government access) to the property; or
(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;
(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;
(D) conveys any land use or other regulatory authority to the local coordinating entity; or
(E) authorizes or implies the reservation or appropriation of water or water rights.

(2) AVAILABILITY.—
(A) IN GENERAL.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—
(A) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members of whom—
(aa) 1 member shall be appointed by Delta State University;
In order to carry out its duties, the local coordinating entity shall—

(1) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(2) assist units of local government, regional organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretative exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) improving awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal, State, local, or non-governmental funds;

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) REQUIREMENTS.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the local coordinating entity shall—

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State, or any tribal entity in which the Heritage Area is located before approving the management plan.
(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and other organizations;
(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through hearings and public meetings) in the preparation of the management plan;
(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;
(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;
(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACT FOLLOWING DISAPPROVAL.—
(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—
(A) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
(B) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—
(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement any amendment to the management plan until the Secretary approves the amendment.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—
(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITIES.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—
(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and
(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—
(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates under subsection (i), the Secretary shall—
(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—If the Secretary conducted under subparagraph (A)(i) shall—
(i) assess the progress of the local coordinating entity with respect to—
(I) accomplishing the purposes of this section for the Heritage Area; and
(II) achieving the goals and objectives of the approved management plan for the Heritage Area;
(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—
(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—
(I) the Committee on Energy and Natural Resources of the Senate; and
(II) the Committee on Natural Resources of the House of Representatives.

(F) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—
(i) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(ii) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that affect the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(G) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency for the purposes of the Heritage Area.

(H) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—
(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
(B) requires any property owner to—
(A) permit public access (including Federal, tribal, State, or local government access) to private land;
(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land; or
(C) alter any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;
(D) exercise regulatory authority to the local coordinating entity;
(E) authorizes or implies the reservation or appropriation of water or water rights; and
(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property; or
(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or
(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(I) AUTHORIZATION OF APPROPRIATIONS.—
(A) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—
(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall not be more than 50 percent.

(B) FORM.—The non-Federal contribution—
(i) shall be from non-Federal sources; and
(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(I) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section to the Heritage Area terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—
(1) to preserve, support, conserve, and interpret the legacy of the region represented by the National Park Service, if any, or the region represented by the National Park Service, and to develop educational and cultural programs for visitors to the National Park Service;
(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors to the National Park Service;
(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;
(4) to recognize and interpret the manner in which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;
(5) to provide a cooperative management framework to foster a close working relationship among all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and recreational resources of the region for the educational and inspirational benefit of current and future generations; and
(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.
(b) Fiscal and financial provisions in this section:
(1) HERITAGE AREA.—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).
(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).
(3) MANAGEMENT PLAN.—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).
(4) MAP.—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T0809000, and dated October 2007.
(5) STATE.—The term “State” means the State of Alabama.
(c) Establishment.—
(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State of Alabama.
(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:
(A) The Corps of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.
(B) The Wilson Dam.
(C) The Heritage Area.
(D) The birthplace of Helen Keller.
(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.
(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.
(d) Duties and Authorities of Local Coordinating Entity.—
(1) TERRITORY OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—
(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;
(B) submit an annual report to the Secretary, and for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—
(i) the accomplishments of the local coordinating entity;
(ii) the expenses and income of the local coordinating entity;
(iii) the amounts and sources of matching funds used;
(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and
(v) grants made to any other entities during the fiscal year;
(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information in the audit's scope regarding the expenditure of the funds and any matching funds;
(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and
(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.
(2) AUTHORITY.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—
(A) make grants to the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;
(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;
(C) hire and compensate staff, including individuals who provide services to the local coordinating entity;
(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;
(ii) economic and community development; and
(iii) heritage planning;
(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;
(E) contract for goods or services; and
(F) outsource any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.
(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.
(e) MANAGEMENT PLAN.—
(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.
(2) REQUIREMENTS.—The management plan for the Heritage Area shall—
(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;
(B) include a description of actions and commitments that Federal, State, tribal, and local governments, public organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;
(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;
(D) include an inventory of the natural, historic, cultural, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;
(E) recommend policies and strategies for resource management, including the development of tribal, interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;
(F) describe a program for implementation of the management plan, including—
(i) performance measures for the management plan;
(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and
(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or nonprofit organization;
(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated for the purposes of the management plan.
(f) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity may request for additional financial assistance under this section until the management plan is submitted to and approved by the Secretary.
(4) APPROVAL OF MANAGEMENT PLAN.—
(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary may approve or disapprove the management plan.
(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.
(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments; private organizations, businesses, and historical, cultural, scenic, and recreational resources protection organizations, educational institutions, businesses, community residents, and private property owners;
(ii) the local coordinating entity—
(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and
(ii) has identified for at least 3 years of public meetings to ensure adequate implementation of the management plan; and
(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;
(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;
(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the management plan and local aspects of the management plan;
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and
(vii) the management plan demonstrates partnerships among the local coordinating entity, the Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.
(D) DISAPPROVAL.—
(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—
(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
(ii) may make recommendations to the local coordinating entity for revisions to the management plan.
(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.
SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section—

(1) "Heritage Area.—The term "Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(b) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, standards, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(c) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(d) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the lands of the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service;

(C) the office of the Alaska State Historic Preservation Officer; or

(D) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, and developed;

(E) describe policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area; and

(F) describe a program for implementation for the management plan, including—

(i) performance goals;
(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and
(iii) specific commitments for implementation that are made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, or local governments, regional planning organizations, nonprofit organizations, or private sector partners for implementation of the management plan;

(H) a plan for business that—
(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and
(ii) provides adequate assurances that the local coordinating entity has the partnerships, and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—
(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available under this section, the Secretary shall approve the management plan for the Heritage Area.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall submit the management plan to the Secretary for approval.

(C) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including organized Federal, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreation-oriented organizations, community residents, and private property owners;

(ii) the local coordinating entity—
(A) has affordable opportunity for public participation from Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and
(B) has conducted at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and monitor the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect activities authorized by Federal land under public land laws or land use plans; and

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the management plan; and
(vii) the management plan demonstrates partnerships among the local coordinating entity, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector partners for implementation of the management plan.

(D) DISAPPROVAL.—

(I) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDING MANAGEMENT PLAN.—

(I) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary for approval or disapproval in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORIZED.—The Secretary shall—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(G) EVALUATION; REPORT.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to conduct activities that may have an impact on a Heritage Area in accordance with any agreement with or other provision of law.

(ii) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

3. PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

4. RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(A) DEFINITIONS.—In this section—

(i) Duties.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area; (B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the purpose of the Federal land under public land laws or land use plans; and

(ii) the expenses and income of the local coordinating entity; (iii) the amounts and sources of matching funds; (iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(B) Authorities.—For the purpose of preparing and implementing the management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(i) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(ii) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties; and

(iii) to hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(iv) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

4. PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

5. RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(A) Definitions.—In this section—

(i) Duties.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area; (B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the purpose of the Federal land under public land laws or land use plans; and

(ii) the expenses and income of the local coordinating entity; (iii) the amounts and sources of matching funds; (iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(B) Authorities.—For the purpose of preparing and implementing the management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(i) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(ii) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties; and

(iii) to hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(iv) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

5. PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.
plan within the boundaries of a Heritage Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of the Secretary.
(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—
(1) contravenes the private right to use and enjoy property under State, tribal, or local law;
(2) abridges the rights of any property owner who has a duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;
(3) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
(4) modifies, alters, or amends any authorization of water or water rights;
(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.
(h) FUNDING.—
(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year, to remain available until expended.
(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $100,000,000 may be made available to carry out this section.
(i) COST-SHARING.—
(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.
(B) PROVIDER, SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services, or other valued.
(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 801. CHATTATHOOCHE TRACE NATIONAL HERITAGE CORRIDOR, ALABAMA AND GEORGIA.
(a) DEFINITIONS.—In this section:
(1) CORRIDOR.—The term "Corridor" means the Chattathoochee Trace National Heritage Corridor.
(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(3) STUDY AREA.—The term "study area" means the study area described in subsection (b)(2).
(b) STUDY.—
(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattathoochee Trace National Heritage Corridor.
(2) STUDY AREA.—The term "study area" includes—
(A) the portion of the Apalachehaha-Chattathoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled "Chattathoochee Trace National Heritage Corridor, Alabama/Georgia", numbered T05S/R80000, and dated July 2007; and
(B) any other area in the State of Alabama or Georgia that—
(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and
(ii) is located adjacent to, or in the vicinity of, those areas.
(c) REQUIREMENTS.—The study shall include—
(1) an analysis, documentation, and determinations on whether the study area—
(A) has an assemblage of natural, historic, and cultural resources that—
(i) represents distinctive aspects of the heritage of the United States;
(ii) are worthy of recognition, conservation, interpretation, and continuing use; and
(iii) would be best managed—
(I) through partnerships among public and private entities; and
(II) by linking diverse and sometimes non-contiguous resources and active communities;
(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;
(C) provides—
(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and
(ii) outstanding recreational and educational opportunities;
(D) contains resources that—
(i) are important to any identified themes of the study area; and
(ii) retain a degree of integrity capable of supporting interpretation;
(E) includes residents, business interests, nonprofit organizations, and State and local governments that—
(i) are involved in the planning of the Corridor;
(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and
(iii) have demonstrated support for the designation of the Corridor;
(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and
(G) has a conceptual boundary map that is supported by the public.
(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—
(1) the findings of the study; and
(2) any conclusions and recommendations of the Secretary.

SEC. 802. NORTHERN NECK, VIRGINIA.
(a) DEFINITIONS.—In this section:
(1) PROPOSED HERITAGE AREA.—The term "proposed Heritage Area" means the proposed Northern Neck National Heritage Area.
(2) STATE.—The term "State" means the State of Virginia.
(b) STUDY AREA.—The term "study area" means the area that is comprised of—
(A) the coastal land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;
(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and
(C) any other area that—
(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and
(ii) is located adjacent to, or in the vicinity of, those areas.
(c) REQUIREMENTS.—The study shall include—
(1) the findings of the study; and
(2) any conclusions and recommendations of the Secretary.
(d) DETERMINATION.—
(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if
the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—
(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the recommendations of the study and recommendations of the study to—
(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—
(i) IN GENERAL.—The report shall contain—
(I) a description of the management plan for the Corridor; the title for the Corridor; and
(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall prepare a report that includes in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINZEBAUG AND SHETucket RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking "September 30, 2009" and inserting "September 30, 2015".

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

"(c) EVALUATION; REPORT.—
(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—
(A) conduct an evaluation of the accomplishment of the Corridor; and
(B) prepare a report in accordance with paragraph (3).

(2) REPORT.—An evaluation conducted under paragraph (1)(A) shall—
(A) assess the progress of the management entity with respect to—
(i) the purposes of this title for the Corridor; and
(ii) the goals and objectives of the management plan for the Corridor;
(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and
(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

(3) REPORT.—
(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include—
(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and
(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—
(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

(e) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—
(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;
(2) to hire, train, and compensate staff; and
(3) to enter into contracts for goods and services.

(f) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.

(g) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—
(A) in the event of a disapproval in the petition, terminate the authority of the Corporation; and
(B) in the event of a disapproval in the petition, report to Congress the reasons for the disapproval.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—
(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—The Commission"; and
(B) by adding at the end the following:

"(B) REQUIRED ANALYSIS.—If the report appears and inserting "Corporation";
(C) by adding at the end the following:

"(B) CORPORATION AS LOCAL COORDINATING ENTITY.—Before the date on which authority for Federal funding terminates for the Corridor, the Corporation shall be the local coordinating entity for the Corridor;

(2) in section 11—
(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and
(B) by inserting after paragraph (3) the following:

"(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 509(a), of the Internal Revenue Code of 1986.".

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—
(A) in subsection (b) (i) in the matter preceding paragraph (1), by striking "27" and inserting "at least 21 members, but not more than 27";
(ii) in paragraph (2), by striking "Environment" and inserting "Environmental"; and
(iii) in paragraph (3), (A) in the matter preceding subparagraph (A), by striking "19";
(B) by striking subparagraph (A);
(C) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
(2) in section 805—
(A) by redesigning subparagraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;
(B) by inserting after paragraph (3) the following:

"(4) The remaining members shall be—
(A) appointed by the Secretary, based on recommendations from each member of the House of Representatives of the district of which encompasses the Corridor; and
(B) persons that are residents of, or employed within, the applicable congressional district.

(C) in subsection (b) (i) by striking "14 members" and inserting "at least 21 members";
(ii) by inserting after paragraph (1) the following:

"(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under this paragraph;

(3) PRIORITY.—In providing assistance under this Act to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and
(B) by inserting after paragraph (4) the following:

"(4) The Secretary shall give priority to activities that assist—
(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and
(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;";

(5) in subsection (c), by striking "(I) by inserting after paragraph (1), the Secretary shall give priority to activities that assist in—
(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and
(B) by inserting after the following memorandum of understanding with the Corporation to ensure—
(1) a transition of management of the Corridor from the Commission to the Corporation; and
(2) coordination regarding the implementation of the Plan;";

(6) in section 11, in the matter preceding paragraph (1), by striking "directly affecting

(7) in section 12—
(A) in subsection (a), by striking "Commis-

(B) in subsection (c)(1), by striking "2007" and inserting "2012"; and
(C) by adding at the end the following:

"(4) TERMINATION OF ASSISTANCE.—The auth-

(8) in section 14—
(A) by redesigning paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and
(B) by inserting after paragraph (3) the follow-

"(4) The term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 509(a), of the Internal Revenue Code of 1986.".
‘(f) Operational Assistance.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private land owners within the District, in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.` and

(2) by adding `in the first few years’ by striking `any fiscal year’ and inserting `any fiscal year, to remain available until expended’.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 50102(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking `shall be the’ and inserting `shall be’; and

(2) by striking `Directors from Massachusetts and Rhode Island;’ and inserting `Directors from Massachusetts and Rhode Island, ex officio, and including:

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) In General.—In the Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) Bureau of Reclamation.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $12,000,000.

(d) Termination of Effectiveness.—The authority provided by this section terminates 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) Definitions.—In this section:

(1) Appraisal Report.—The term `appraisal report’ means the appraisal report concerning the augmentation alternatives for the Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) Principles and Guidelines.—The term `principles and guidelines’ means the report entitled `Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies’ dated June 19, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1902 et seq.).

(3) Secretary.—The term `Secretary’ means the Secretary of the Interior.

(b) Sierra Vista Subwatershed Feasibility Study.—

(1) Study.—(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona as identified as appropriate for further study in the appraisal report.

(B) Inclusions.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(1) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(b) by taking into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital costs, operating costs, maintenance, energy, and replacement costs; and

(3) establish the basis for—

(i) any cost-sharing allocations; and

(ii) any cost-sharing payment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) Cost-Sharing Requirement.—(A) General.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines will contribute substantially toward the conduct and completion of the study under paragraph (1).

(B) Form of Non-Federal Share.—The non-Federal share required under subparagraph (A) may be in any form in which the Secretary determines will contribute substantially toward the conduct and completion of the study under paragraph (1).

(c) Statement of Congressional Intent Relating to Completion of Study.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this subsection $3,200,000.

(e) Water Rights.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) Feasibility Study, Project Development, Cost Study.—(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as “Secretary”), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary’s evaluation of the environmental, social, economic, and other circumstances and needs of the area to be affected by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(b) Federal Cost Share.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) Coordination.—The Secretary shall consult with appropriate State, regional, and local authorities in implementing this subsection.

(d) Feasibility Report.—The Secretary shall submit to the Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(2) Federal Reclamation Projects.—Nothing in this section shall supplement or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) Sunset.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) Definitions.—In this section—

(1) District.—The term `District’ means the Tumalo Irrigation District, Oregon.

(2) Project.—The term `Project’ means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) Secretary.—The term `Secretary’ means the Secretary of the Interior.

(b) Authorization To Plan, Design and Construct the Tumalo Water Conservation Project.—

(1) Authorization.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) Cost-Sharing Requirement.—(A) Federal Share.—The Federal share of the total cost of the Land and Water Conservation Act of 1965 (43 U.S.C. 295c) and (f) shall not exceed 45 percent, which shall be nonreimbursable to the United States.

(B) Credit Toward Non-Federal Share.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(c) Authorization.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the Project 4 years after the date of enactment of this Act.
SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) Definitions.—In this section:

(1) DISTRICT.—The term ‘‘District’’ means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ‘‘Project’’ means the Madera Water Supply Enhancement Project, an groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(c) Secretary.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(d) Total Cost.—The term ‘‘total cost’’ means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(e) Project Feasibility.—

(1) Project Feasible.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereof and other statutes or actions regarding feasibility are necessary.


(3) Cost Share.—The Federal share of the total costs of the Project shall be provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(4) Authorization of Appropriation.—There is authorized to be appropriated to the Secretary to carry out this subsection not more than $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(5) Sunset.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) Definitions.—

(1) AUTHORITY.—The term ‘‘Authority’’ means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term ‘‘engineering report’’ means the report entitled ‘‘Eastern New Mexico Rural Water System Preliminary Engineering Report’’ and dated October 2006.

(3) PLAN.—The term ‘‘plan’’ means the operation, maintenance, and replacement plan required by subsection (c)(2).

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

(b) System.—The term ‘‘System’’ means the State of New Mexico.

(c) Authorization for the Madera Water Supply and Enhancement Project.—

(1) Authorization of Construction.—The Secretary may enter into a cooperative agreement with the Secretary of the Army, the Secretary of the Interior, the Bureau of Reclamation, and the Madera Irrigation District for the purposes of planning, design, permitting, construction, and operation of the System.

(2) Appropriations.—The System shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(3) Engineering, Maintenance, and Replacement Costs.—

(4) Cooperative Agreement.—

(a) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(b) Cooperative Agreement for Provision of Financial Assistance.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(i) REQUIREMENTS.—The cooperative agreement entered into under this paragraph (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(1) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(2) completing the planning and design phase of the System;

(3) any environmental and cultural resource compliance activities required for the System; and

(4) the construction of the System.

(ii) Technical Assistance.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to conducting the System, including planning, design, and construction, and operating the System.
(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under section 208 of the Clean Water Act of 1977 (33 U.S.C. 1314 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation or water.

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) groundwater.

(C) establishes, preserves, or establishes rights.

(D) Authorizing Appropriations.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $237,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) FUNDING.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

'(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

'(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 50 percent of the total cost of the project or $20,000,000, whichever is less.

'(c) LIQUIDATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

"Sec. 1649. Rancho California Water District Project, California.".

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term "assessment" means the engineering document that is—

(A) Jackson Gulch Reclamation Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project; Condition Assessment and Recommendation for Rehabilitation ("Assessment");

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term "District" means the Colorado River Basin Project established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(b) PROJECT.—The term "Project" means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District the amount described in the Assessment.

(B) MANNER.—The Secretary shall recover the amount from the District as reimbursable expenses under subparagraph (A) in a manner agreed to by the Secretary and the District.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of or occurring in connection with any activities conducted under this section.

(c) AUTHORIZATION.—No funds provided by the Secretary under this section shall be used for operation or maintenance of the project described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay any funds provided by the Secretary under this section for the operation and rehabilitation of the project described in subsection (a) the amount equal to 35 percent of the cost of the Project.

SEC. 9106. RANCHO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought; and

(B) water and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico.

(2) REPORTS.—The Secretary shall submit annually to the Congress—

(A) a report on the activities of the Secretary under this section; and

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs that identifies a serious need for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District the amount equal to 35 percent of the total cost of carrying out the Project.

(B) MANNER.—The Secretary shall recover the amount from the District as reimbursable expenses under subparagraph (A) in a manner agreed to by the Secretary and the District.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of or occurring in connection with any activities conducted under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project $3,250,000.

SEC. 9107. RIO GRANDE BASIN.

(a) FINDINGS.—Congress finds that—

(1) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) providing available water supplies; and

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(2) beyond the projects described in subsection (a), the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and related information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to direct the Secretary to—

(1) overall water management by the Bureau of Reclamation and the District; and

(2) the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(c) To implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(d) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term "2004 Agreement" means the agreement entitled "Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico" and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term "designated engineer" means a Federal employee designated under the Act of April 12, 1927 (29 Stat. 186, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term "District" means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term "Pueblo irrigation infrastructure" means any diversion or conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term "Rio Grande Pueblo" means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the

(7) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior, acting through the Commissioner ofclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term ‘‘Six Middle Rio Grande Pueblos’’ means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term ‘‘special project’’ has the meaning given the term in the 2005 Act.

(10) STATE.—The term ‘‘State’’ means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) REQUIRED CONSENT.—In carrying out subsection (c), the Secretary shall notify each of the Pueblos that notifies the Secretary that the Pueblo consents to participate in—

(1) the conduct of the study under subparagraph (A)(i); and

(2) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) ELIGIBILITY OF PROJECTS.—A project is eligible for funding and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A)(ii) are—

(i) the extent of disrepair of the Pueblo irrigation infrastructure; and

(ii) the economic and cultural impacts that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo.

(3) DETERMINATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to identify projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i); and

(ii) the consideration of the factors described in subparagraph (B).

(f) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(a) affects any existing project-specific funding authority; or

(b) limits or abrogates the States from any responsibility to any Pueblo (including any responsibility arising from any responsibility to any Rio Grande Pueblo).
(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) by striking (1), by striking "$61,000,000" and inserting "$88,000,000"; and

(B) in paragraph (2), by striking "2010" and inserting "2023"; and

(C) in paragraph (3), by striking "2010" and inserting "2023";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "$126,000,000" and inserting "$209,000,000";

(B) in paragraph (1)—

(i) by striking "$108,000,000" and inserting "$179,000,000"; and

(ii) by striking "2010" and inserting "2023";

and

(C) in paragraph (2)—

(i) by striking "$18,000,000" and inserting "$30,000,000"; and

(ii) by striking "2010" and inserting "2023"; and

and

(D) in subsection (c)(4), by striking "$31,000,000" and inserting "$87,000,000".

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term "Project" means the impoundment, recharge, treatment, and diversion and storage, and purposes and rights to the use of water for storage and dilution for the benefit of the Secretary of the Navy, which the Secretary has granted the permits to the Bureau of Reclamation to construct, operate, and maintain.

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

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 675), as amended by and supplemental to an act and amendments of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) As an alternative to a repayment contract with the Secretary of the Navy described in clause (1), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(C) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permitted for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(1) The District has agreed—

(I) to not assert against the United States any prior approvable right the District may have to water in excess of the quantity deliverable to the District under this section;

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d); and

(III) to enter into agreement with the Secretary of the Navy;

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation as described in paragraph (2), the construction, operation, and maintenance of the Project shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (b)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy;

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PARTIES.—If the Secretary of the Navy certifies to the District that the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project that is allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given to the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) shall include a provision that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(e) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(2) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(f) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(g) IN KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of other such services as the Secretary of the Navy considers appropriate.

(h) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(i) CONGRSSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of $500,000, the contract may not be entered into until the earlier of—

(I) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(II) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(j) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be considered to refer to the first use of water from a water storage project.
(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obliga-
tion under this subsection for water deliv-
ered to the District under a contract de-
scribed in paragraph (3) that—

(1) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may trans-
fer to the District, or a mutually agreed
upon third party, the care, operation, and
maintenance of the Project under conditions
that are—

(A) satisfactory to the Secretary and the Dis-
tribution; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Sec-
retary, the District, and the Secretary of the
Navy.

(2) EQUITABLE CREDIT.—

(1) IN GENERAL.—In the event of a transfer
under paragraph (1), the District shall be en-
titled to an equitable credit for the costs asso-
ciated with the proportionate share of the
Secretary of the operation and maintenance
of the Project.

(2) LIMITATION.—Nothing in this section—

(A) affects or preempts—

(i) the acquisition costs of land acquired
for the project that is—

(ii) the acquisition costs of land acquired
because of these acquisitions, or through actual
use or prescription, or both, since the date of
that acquisition, if any;

(B) creates any legal obligation to store
any water that the District, or the Secretary,
considers necessary for the use of which the
United States has any rights to the use of
water that the United States acquired ac-
cording to the laws of the State of California
that acquisition, if any;

(C) requires the division under this section
of water to which the United States has those
rights;

(D) constitutes a recognition of, or an ad-
mision by the United States that, the Dis-
tribution has any rights to the use of water in
the South Bay watershed, or any rights, if any, only exist by virtue of the laws of the
State of California.

(h) LIMITATIONS ON OPERATION AND ADMIN-
ISTRATION.—Averisely affected or by the
Secretary of the Navy, the Project—

(1) shall be operated in a manner which al-
lows the free passage of all of the water to
the use of which the United States is enti-
tited according to the laws of the State of
California, either as a result of the acquisition
of the land comprising Camp Joseph H. Pen-
dleton and adjoining naval installations, and
the rights to the use of water as a part of
that acquisition, or the acquisition, or by
prescription or both since the date of that
acquisition, if any;

(2) may not be limited to the use of which the
United States has any rights to the use of
water that the United States acquired ac-
cording to the laws of the State of California
that acquisition, if any;

(3) shall not be limited, or otherwise modi-
ified by, the laws of the State of California that had the
Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2
years after the date of the enactment of this
Act and periodically thereafter, the Sec-
retary and the Secretary of the Navy shall
submit to the appropriate committees of Con-
gress reports that describe whether the condi-
tions specified in subsection (b)(2) have been met and if so, the manner in which
the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated
for the project that is—

(1) $50,000,000, as adjusted to reflect the en-
ingineering costs indices for the construction
cost of the Project; and

(2) such sums as are necessary to operate and
maintain the Project,

(k) SUNSET.—The authority of the Sec-
retary to complete construction of the Project shall terminate on the date that is 10
years after the date of enactment of this
Act.

SEC. 9109. ELSONORE VALLEY MUNICIPAL WATER
RECLAMATION AND REUSE PROJECT, CALI-
FORNIA.

(a) IN GENERAL.—The Reclamation Waste-
water and Groundwater Study and Facilities
Act (Public Law 102–575, title XVI; 43 U.S.C.
390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the fol-
lowing:

"SEC. 1650. ELSONORE VALLEY MUNI-
CIPAL WATER DISTRICT PROJECTS, CALI-
FORNIA.

(a) AUTHORIZATION.—The Secretary, in co-
operation with the Elsinore Valley Munici-
pal Water District, California, may partici-
pate in the design, planning, and construc-
tion of permanent facilities needed to estab-
lish recycled water distribution and waste-
water treatment and reclamation facilities
that will be used to treat wastewater and
provide recycled water in the Elsinore Val-
ley Municipal Water District, California.

(b) COST SHARING.—The Federal share of
the cost of each project described in sub-
section (a) shall not exceed 25 percent of the
total cost of the project.

(c) LIMITATION.—Funds provided by the
Secretary under this section shall not be used for operation or maintenance of the
projects described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to
carry out this section $12,500,000.

(b) CLERICAL AMENDMENT.—The table of
sections in section 192 of title 43 is amended
by inserting after the item relating to section
1699 the following:

"Sec. 1650. Elsinore Valley Municipal Water
District Projects, California."

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclama-
tion Wastewater and Groundwater Study
and Reuse Facilities Act (Public Law 102–575,
title XVI; 43 U.S.C. 390h et seq.) (as amended
by section 9109(a)) is amended by adding at
the end the following:

"SEC. 1651. NORTH BAY WATER REUSE
PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity
means a member agency of the North Bay
Water Reuse Authority of the State located
in the North San Pablo Bay watershed in
California.

(2) WATER RECLAMATION AND REUSE
PROJECT.—The term 'water reclamation and
reuse project' means a project carried out by
the Secretary and an eligible entity in the
North San Pablo Bay watershed in Cali-
ifornia.

(C) water reclamation and reuse;

(D) groundwater recharge and protection;

(E) surface water augmentation; or

(F) other related improvements.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated for the Federal share of the total cost of the
first phase of the project authorized by this
section $22,000,000, to remain available until
expended.''

(b) CONFORMING AMENDMENT.—The table of
sections in section 2 of Public Law 102–575 (as amended by section 9109(b)) is amended by inserting after the item relating to section
1650 the following:
(a) In GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the design, planning, and construction of the Western Municipal Water District, Riverside County, California.

(b) COST SHARING.—The Federal share of the cost to plan, design, and construct the Project shall not exceed 25 percent of the total cost of the Project; and

(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

‘‘(e) AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) In GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amended—

(1) In section 2 of Public Law 102–575 (43 U.S.C. 390h–12j) is amended—

(A) planning, design, and construction of projects to treat impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

(B) $26,000,000.

(1) ANNUAL AMOUNT.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

SEC. 9115. CITY OF OXNARD WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse groundwater, including degraded groundwater, within and outside the area of the city of Oxnard, California.

(b) COST SHARING.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).

SEC. 9116. CITY OF OXNARD WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse groundwater, including degraded groundwater, within and outside the area of the city of Oxnard, California.

(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost.

(c) LIMITATION.—The Secretary shall not provide funds for the operation of the project described in subsection (a).

SEC. 9117. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) In GENERAL.—The term ‘‘Project’’ means the Bunker Hill Groundwater Study and Facilities Project.

(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

(c) LIMITATION.—The Secretary shall not provide funds for the following:

‘‘(1) The operations and maintenance of the project described in subsection (a).’’

‘‘(2) Construction, operations, and maintenance of the visitor’s center related to the project described in subsection (a).’’

‘‘(3) AUTHORITY.—The Secretary shall not enter into any agreements for the construction or operation of the project described in subsection (a).’’

SEC. 1656. CITY OF OXNARD WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse groundwater, including degraded groundwater, within and outside the area of the city of Oxnard, California.

(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation of the project described in subsection (a).
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 construction costs 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 South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

"(B) 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 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 operation and maintenance costs associated with 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 hereby"; and

(2) by adding at the end the following:

"(b) CONVEYANCE.—

"(1) IN GENERAL.—Except as provided in subparagraph (A), any rights and obligations reflected in the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest that may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

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

"(2) BIOPARK PARCELS.—The term "BioPark Parcels" means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Bernalillo County, New Mexico, in the Southwest Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and land:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9561 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 323B, MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.39 acres, more or less.

(D) Tract 323B of MRGCD Map 38, bounded on the north by Tract 323B, MRGCD Map 38, on the west by Tract A, Albuquerque Biological Park, and on the south and east by the westerly...
right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the north by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park, containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintain and develop water resources and irrigation systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.


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

(6) TINGLEY BEACH.—The term “Tingley Beach” means the tract of land containing 25.0065 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary shall continue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

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

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of any property associated with the Middle Rio Grande Project.

(4) ONGOING LITIGATION.—Nothing contained in this section shall affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States and the District, entitled the United States v. John W. Keys, III, and the United States may have in and to Tingley Beach, as described in Appendix A of the Agreement.

(5) GOLETA WATER DISTRICT.—The term “Goleta Water District” means the District established under the Goleta Water District Act of 1927, as amended by the Goleta Water District Act of 1947, and all other applicable laws.

(b) CONVEYANCE OF THE GOLETA WATER DISTRICT SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water District System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act or omission relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 71, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water District System under this section:

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available under applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENDANGERED SPECIES LAWS.—Prior to any conveyance under this section, the Secretary shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(2) COMPLIANCE WITH THE DISTRICT.—Upon the conveyance of the Goleta Water District System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report to the Congress not later than 14 months after the date of the enactment of this Act.
SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9401. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) In General.—Due to the unique conditions at the river basin, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) Jurisdiction.—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction.

(c) United States as Defendant.—

(1) In General.—The United States or any agency of the United States may be named as a defendant in any lawsuit commenced pursuant to this section.

(2) Sovereign Immunity.—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) Nonwaiver for Certain Claims.—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) Rights Under Federal and State Law.—

(1) In General.—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) Applicability to Lower Colorado River Multi-Species Conservation Program.—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) Venue.—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Secretary such sums as may be necessary to acquire water resources of the United States for use in the LCR MSCP, to remain available until expended.

(b) Non-Reimbursable and Non-Returnable.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) the Program Documents require the supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) the Program Documents; and

(B) economic growth;

(3) irrigated agriculture;

(4) energy production; and

(5) the protection of aquatic ecosystems;

(6) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(7) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, in performing these activities;

(8) the sovereignty of the United States in the Lower Colorado River is subject to the limitations imposed by the Program Documents.

(9) federal power marketing administration.—The term ‘‘Federal Power Marketing Administration’’ means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(10) Indian tribe.—The term ‘‘Indian tribe’’ means any of the Indian tribes, as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) Major aquifer system.—The term ‘‘major aquifer system’’ means a ground-water system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) major reclamation river basin.—The term ‘‘major reclamation river basin’’ means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation;

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(13) non-Federal participant.—The term ‘‘non-Federal participant’’ means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) panel.—The term ‘‘panel’’ means the climate change and water intragovernmental panel established by the Secretary under section 9556(a).

(15) Program.—The term ‘‘Program’’ means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) Secretary.—The term ‘‘Secretary’’ means—

(A) in general.—Except as provided in paragraph (b), the term ‘‘Secretary’’ means the Secretary of the Interior (acting through the Commissioner); and

(B) exceptions.—The term ‘‘Secretary’’ means—

(i) in the case of sections 9503, 9504, and 9508, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) service area.—The term ‘‘service area’’ means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).
SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program to—

(1) coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environments of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess potential risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(F) water quality issues (including salinity increases) of each major reclamation river basin;

(G) flow and water dependent ecological resiliency; and

(H) groundwater management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operation; and

(B) development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water quality data that are to—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of a climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director; (B) the Administrator; (C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(3).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the consequences of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the impacts of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may decrease the Federal share of the cost of a study described in paragraph (1) to 15 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services or other support that substantially contribute toward the completion of the study, as determined by the Secretary.

(ii) EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws governing the operation of any Federal reclamation project.

(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant through a grant or agreement that are to—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have determined to be threatened or endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), under which the Commissioner of Reclamation has implementation responsibilities; or

(F) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall—

(i) avoid use of a grant or agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(1) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(2) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(ii) authorize reimbursable funds.—Any funds provided by the Secretary to an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(C) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or agreement under paragraph (1) shall not exceed 50 percent of the cost of the improvement or activity.
the cost of the infrastructure improvement or activity.

(ii) **Calculation of Non-Federal Share.**—In calculating the non-Federal share of the cost of infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, and the Secretary shall—

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) **Minimum Amount.**—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) **Operation and Maintenance Costs.**—

The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) **Liability.**—

(i) **General.**—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable to an eligible applicant for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) **Tort Claims Act.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) **Assurances.**

(1) **Authority of Secretary.**—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources; or

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable water resources in the management and delivery of water.

(2) **Terms and Conditions of Secretary.**—(A) An agreement entered into by the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) **Availability.**—The agreements under this subsection shall be available to all Rec- lamation projects and programs that may benefit from project-specific or pro- grammatic cooperative research and development.

(c) **Mutual Benefit.**—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) **Relationship to Project-Specific Authority.**—This section shall not supersede any existing project-specific funding authority.

(e) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSIS- TANCE.

(a) **Duty of Secretary of Energy.**—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hy- droelectric power at each Federal Power Marketing Administration.

(b) **Access to Data.**—

(1) **In General.**—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the Oceanic and Atmospheric Administration, the program, and each appropriate State water resources agency, to ensure that the Sec- retary of Energy shall—

(A) be collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) **Report.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(i) any effects of, and risk resulting from, global climate change that is—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Fed- eral Power Marketing Administration, pur- suant to—

(1) long-term power contracts; and

(2) short-term sales; and

(2) each recommendation of the Admin- istrator of each Federal Power Marketing Ad- ministration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power and the requirements of each Federal Power Marketing Administra- tion.

(d) **Authority.**—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) **Costs.**—

(1) **Nonreimbursable.**—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) **PMA Costs.**—Each Federal Power Mar- keting Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for each purpose.

(f) **Authorization of Appropriations.**—

(1) **General.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER RESOURCES INTEGRATION PANEL.

(a) **Establishment.**—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel.

(1) **Review.**—The panel shall—

(A) review the current scientific under- standing of each impact of global climate change on the quantity and quality of fresh- water resources, and water supply and systems.

(B) provide recommendations to the Federal Government and the States with respect to each impact of global climate change on water resources;

(C) to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(D) to consider options for the establish- ment of a data portal to enhance access to water resource data—

(1) to review the current scientific under- standing of each impact of global climate change on the quantity and quality of fresh- water resources, and water supply and systems.

(B) that is collected by each Federal agen- cy and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States; and

(2) **Demonstration, Research, and Meth- odology Development Projects.**—

(1) **Authority of Secretary.**—The Sec- retary, in consultation with the panel and the Advisory Committee, may provide grants to or enter into an agreement, interagency agreement, or other transaction with, an appropriate entity to

(A) increase the reliability and accuracy of modeling and prediction systems to ben- efit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosys- tems.

(b) **Membership.**—The panel shall be com- prised of—

(1) the Director; and

(3) the Administrator; and

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Re- sources and Environment);

(5) the Commissioner; and

(6) the Secretary of the Army, acting through the Chief of Engineers.

(7) the Administrator of the Environ- mental Protection Agency; and

(8) the Secretary of Energy.

(c) **Review Elements.**—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovern- mental organizations—

(A) assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and gla- cier mass is necessary to improve the under- standing of the Federal Government and the States with respect to each impact of global climate change on water resources; and

(B) that is collected by each Federal agen- cy and any other public or private entity for each nationally significant freshwater water- shed and aquifer located in the United States; and

(2) **Demonstration, Research, and Meth- odyology Development Projects.**—

(1) **Authority of Secretary.**—The Sec- retary, in consultation with the panel and the Advisory Committee, may provide grants to or enter into an agreement, interagency agreement, or other transaction with, an appropriate entity to
SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) National Streamflow Information Program.—

(1) In general.—The Secretary, in consultation with the National Research Council, shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds, including:

(i) in a reliable and continuous manner; and

(ii) develop a comprehensive source of information on which public and private decision making and water resources management are based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides the necessary foundation for:

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System) as follows:

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to provide for the development of a data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess the feasibility of conducting the national streamflow information program at a lower cost.

(f) Authorization of Appropriations.—

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) such sums as are necessary to carry out the national streamflow information program as reviewed by the National Research Council.

SEC. 9508. AQUifers.

(a) National Groundwater Resources Monitoring.—

(1) In general.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) Program Elements.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including:

(i) current use of brackish groundwater that is located in the United States; and

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(B) in coordination with the Advisory Committee and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and quality of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities, shall give priority to those activities with respect to surface water and groundwater interactions.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out the national groundwater information program as reviewed by the National Research Council for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) Brackish Groundwater Assessment.—

(1) Study.—The Secretary, in consultation with the National Research Council, shall conduct a study of the feasibility of establishing a national groundwater information program to monitor brackish groundwater resources.

(2) Program Elements.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) develop and implement a national framework for monitoring brackish groundwater resources that is consistent with the National Groundwater Resources Monitoring Program plan as reviewed by the National Research Council; and

(B) in coordination with the Advisory Committee and local water resource agencies, study the feasibility of conducting such a program to monitor brackish groundwater resources.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) such sums as are necessary to carry out the national groundwater information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out the national groundwater information program as reviewed by the National Research Council for the period of fiscal years 2009 through 2023, to remain available until expended.
other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate and measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) Providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methodologies and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) Partnerships.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage public and private partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 5908. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) Establishment.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the future economic, energy production, and consumptive use of water resources in the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial use;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental use.

(b) Program Elements.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting or major aquifers and items located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) an emphasis on any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and level of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater access and use, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprehensive of maps, reports, and other forms of integrated data;

(ii) provides electronic access to the archived data of the national database; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) Grant Program.—

(1) Authority of Secretary.—The Secretary shall make grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability dataset of the State water resource agencies in—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(D) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(d) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) Grant Program.—There is authorized to be appropriated to carry out subsection (b) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) In General.—Nothing in this subtitle supersedes or limits any existing authority by any provision of law.

(b) Effect on State Water Law.—

(1) In General.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) Compliance Required.—The Secretary shall comply with water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601. DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term “inspection” means an inspection of a project facility carried out by the Secretary.

(A) To assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, or otherwise allows flooding to occur.

(2) Project Facility.—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the provisions of a formal operation and maintenance of the project facility.

(A) Project facility" means a project facility by the Secretary carries out the operation and maintenance of the project facility.

(B) Project facility" means any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) Secretary.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) Transferred works.—The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) Transferred works operating entity.—The term “transferred works operating entity” means a project facility, including any transferred works operating entity.
entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATIONAL MAINTENANCE Work and “extraordinary operational maintenance work” means major, non recurring maintenance to Reclamation-owned or operated facilities, or facility components that lie beyond the scope of normal maintenance.

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) whose cost is at least 3 percent of the contractor’s or the transferred works operating entity’s annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage, if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary may take into account potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of existing transfer contracts, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications for such transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential commercial, industrial or public use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized to provide technical assistance to transferred works operating entity in conducting inspection of a project facility.

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development and training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity’s workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and maintenance of a project facility.

(2) COSTS.—(A) The Secretary is authorized to provide, on a non-reimbursable basis, up to 30 percent of the cost of such technical assistance to transferred works operating entities or other non-Federal sources.

(B) The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b), and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to ensure the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work shall be allocated to the Secretary.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and shall obligate the Secretary. The Secretary is authorized to obligate Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance work conducted by the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—San Joaquin River Restoration Settlement Act

SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act.”

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part—

(1) the terms “Friant Division long-term contractors”, “Interim Flows”, “Restoration Flows”, “Recovered Water Account”, “Restoration Goal”, and “Water Management Goal” have the meanings given in the Settlement;

(2) the term “Secretary” means the Secretary of the Interior.


SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including taking such measures as are necessary to carry out the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph (1) of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where applicable.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(b) OPTIONS.—The Secretary may acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such
acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculating flows, except for the transfer of water released for Restoration Flows or Interim Flows, for the purpose of complying with the Water Management Goal of the Settlement.

(A) Applicable provisions of California water law;

(B) The Secretary’s use of Central Valley Project facilities to make Projects (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing San Joaquin Central Valley Project contractors; and

(C) The Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment of recovered water charges as prescribed in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) Agreement.

(1) Agreement with the State.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) Agreement with contractors.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) Expediture of Non-Federal Funds.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) Mitigation of Impacts.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream lands and waters.

(e) Design and Engineering Studies.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) Effect on Contract Water Allocations.—Except as otherwise provided in this section for the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 1001, in the involvement in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) Effect on Existing Water Contracts.—Except as provided in the Settlement and this section, no change shall be made in any water contract.

(h) Restoration Flows.—

(1) Study Required.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the Federal Water Pollution Control Act of 1969 (42 U.S.C. 322 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of Interim Flows and, if applicable, the transfer of water from the San Joaquin River south of the confluence with the Merced River, required pursuant to subsection (b) of section 10007 and an estimated appropriation for such purpose under section 10009(c).

(2) Interim Flows.—

(A) any Interim Flows released under this subsection shall only be made from willing contractors; and

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $200,000,000 from the CVF Restoration Fund pursuant to section 10009(c); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(i) Additional Amounts.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(j) JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under this contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) Transfer to Facilities.—Unless acquired pursuant to subsection (b), no facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part may be transferred to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property:

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) Acquisition of Property.—

(1) In General.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) Applicable Law.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (42 U.S.C. 372), to carry out the measures authorized in this section and section 10004.

(c) Disposition of Property.—

(1) In General.—Upon the Secretary’s determination that retention of title to property or interests in property acquired pursuant to this section is no longer necessary for implementation of the Settlement, the Secretary shall transfer such property or interest to the owner or, in the absence of a willing seller, to the United States.

(2) Right of First Refusal.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(d) Groundwater Bank.—Nothing in this part authorizes the Secretary to operate a...
SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures described in this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(b) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(c) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(d) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with section (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes to effectuate the purposes of this part. Such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States shall not be liable for costs of implementing this part which shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the amounts of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratemaking policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress, and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement;

(2) those assessments and collections shall continue to be counted toward the requirements of the Settlement contained in section 3406(c) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or any right to enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or affect any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repay Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section (b)(2) shall be borne by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on November 24, 2008, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more comprehensive fund or improvement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California’s share of the cost of implementing the provisions of section 10006(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision, unless, in such case, such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided under subsection (a), the Secretary is authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B)) and proceeds under subparagraph (A) of paragraph 21 of the Settlement.

(2) U.S. FUND FOR THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary may expend such funds in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B)) and proceeds under subparagraph (A) of paragraph 21 of the Settlement.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to the extent that the Secretary is authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year;

(ii) the amounts to be available for expenditure without further appropriation; and

(iii) any additional expenditures required in any fiscal year.

(2) REPORT.—The Secretary shall report to Congress not later than March 1, 2009, on the use of such funds.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and paragraphs (b)(2)(B) and (b)(3) of the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) REACH 4B.—

(1) IN GENERAL.—

(A) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to the extent that the Secretary is authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year;

(ii) the amounts to be available for expenditure without further appropriation; and

(iii) any additional expenditures required in any fiscal year.

(B) REPORT.—The study under subparagraph (A) shall be completed prior to receipt of any payments other than Interim Flows.

(2) REPORT.—
(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) determines whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(1) the basis for the Secretary’s determination, whether set out in environmental reviews or otherwise, as to whether the expansion of Reach 4B would be the reasonable and practicable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative and historical benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary’s final cost estimate for expanding Reach 4B to 4500 cubic feet per second in alternative route planning and implementation costs, which is being provided under joint Federal and non-Federal funding, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking substantial construction work to increase capacity in reach 4B.

(II) The basis for the Secretary’s determination, as adjusted, shall be provided by the Secretary, by the Restoration Administrator, and by the other parties to the Settlement, in the Settlement and shall continue so long as the construction costs as defined in section (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

SEC. 1010A. REEMPLOYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

(a) Conversion of Contracts.

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division Unit contractors, entered into under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1196), under mutually agreeable terms and conditions:

Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized and directed to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(II) The Secretary’s final cost estimate for expanding Reach 4B to 4500 cubic feet per second in reach 4B of the San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; River Irrigation District; Mountain View Irrigation District; and Kingsburg Irrigation District, has been provided by the parties. In the event that the rate of repayment of such amount may be developed by the parties. In the event that the rate of repayment of such amount may be developed by the parties, Congress must have increased the applicable authorization ceiling provided by the Secretary and the contractor, for the period and shall continue so long as the construction costs as defined in section (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(b) Final Adjustment.—The amounts paid pursuant to this subsection shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional re-payment contract shall be not less than 1 year and no more than 10 years, however, in the event that the Secretary determines that the rate of repayment of such amount may be developed by the parties. In the event that the rate of repayment of such amount may be developed by the parties, Congress must have increased the applicable authorization ceiling provided by the parties. In the event that the rate of repayment of such amount may be developed by the parties, Congress must have increased the applicable authorization ceiling provided by the parties.

(c) Applicability of Certain Provisions.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor’s compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (B), upon a contractor’s compliance with and discharge of the obligation of repayment of the construction costs, the Secretary shall not be required to discontinue payments in respect of the amount to be discounted by 1⁄2 the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, shall be provided to the contractor.

(2) The Secretary, in making such estimate, shall consider the terms of the construction contracts as of January 31, 2011, and shall adjust such amount to reflect any change in the method of determination of the allocation if such amount is a material return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2012, such amount to be discounted by 1⁄2 the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, shall be provided to the contractor.

(3) Notwithstanding any repayment obligation under subsection (a)(3)(B) or (B), (b) upon a contractor’s compliance with and discharge of the obligation of repayment of the amount to be discounted by 1⁄2 the Treasury Rate.

(II) The Secretary is authorized and directed to pay any outstanding or future obligation of the contractor.

(d) Final Adjustment.—The amounts paid pursuant to this subsection shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than 1 year and no more than 10 years, however, in the event that the rate of repayment of such amount may be developed by the parties. In the event that the rate of repayment of such amount may be developed by the parties, Congress must have increased the applicable authorization ceiling provided by the parties. In the event that the rate of repayment of such amount may be developed by the parties, Congress must have increased the applicable authorization ceiling provided by the parties.
Treasury Rate; provided, that such charge shall not be reduced to less than $4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented by the Secretary and the California Department of Water Resources, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover on-going costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. The Secretary shall determine that such charges are necessary to cover such on-going federal costs, the Secretary shall, in stead of reducing such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the contractor from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount described in paragraph (1) of subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and such amounts shall not be recoverable by the contractor from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this Act.

(5) For purposes of this section, “Treasury Rate” shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) In the first year of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which I or other Central Valley Project contractors, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water between Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3407(d) of Public Law 102-575 and the requirement of an agreement for transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any such transfer or exchange for a period in excess of 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or minimize the need to water transfers caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted toward compliance with the purpose of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 1(b) of the Friant Division of the Central Valley Project. The Secretary may determine that such charges are necessary to cover on-going federal costs, the Secretary shall, in stead of reducing such charges, reduce the contractor’s operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the contractor from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(3) STATE LAW.—Nothing in this subsection alters State law or permits conditions, including any applicable State administrative rules or regulations, to be applied to the implementation of this section.

(4) ISSUANCE.—The Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by exercising its right to file prescriptions in proceedings for any other application of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the re-introduction of the endangered California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinion or new biological opinions issued by the Secretary or Secretary of Commerce; or

(b) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections protect Federal biodiversity benefits to such re-introduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary of Commerce shall report to Congress on the progress made on the re-introduction set forth in this section and the Secretary’s plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful re-introduction;

(B) an evaluation of the effect, if any, of the re-introduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the re-introduction.

(f) E FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon, any re-introduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by exercising its right to file prescriptions in proceedings for any other application of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the re-introduction of the endangered California Central Valley Spring Run Chinook salmon.

(2) EFFECT OF SECTION.—Nothing in this subsection shall prescribe the authority of the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such re-introduced California Central Valley Spring Run Chinook salmon.

(g) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—


PART II—STUDY TO DEVELOP WATER PLAN; REPORT
SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.
(a) PLAN.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject hydrologic regions that would address issues related to—
(A) water quality;
(B) water supply (both surface, ground water banking, and brackish water desalination);
(C) water conveyance;
(D) water reliability;
(E) water conservation and efficient use (by distribution systems and by end users);
(F) flood control;
(G) water resource-related environmental enhancement; and
(H) population growth.
(2) Study area.—The study area referred to in paragraph (1) is the proposed study area of the Friant-Kern Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-85, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.
(b) Use of plan.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.
(c) Report.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 21 months after financial assistance is made available to the California Water Institute under subsection (a)(1).
(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRANT DIVISION IMPROVEMENTS
SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.
(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:
(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Secretary;
(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse flow capacity of approximately 500 cubic feet per second at the Pose and Shafter Check Structure and approximately 300 cubic feet per second at the Wollomines Check Structure.
(b) Upon completion of and consistent with the above feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.
(c) The costs of implementing this section shall be in accordance with section 10009, and shall be nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.
(a) Authorization.—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, to design, plan, establish, and implement projects for the purposes of achieving Regional Restoration Flows, or other water law, State laws, and Federal, State, and local laws, including provisions of California water law.
(b) Report.—The Secretary shall ensure that an advance report is made to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 21 months after financial assistance is made available to the California Water Institute under subsection (a)(1), detailing the financial assistance awarded to local agencies during such period.
(c) Federal financial assistance shall be provided to local agencies under subsection (a) unless the Secretary—
(1) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency’s own costs, in order to secure the construction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project was designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary; and
(2) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project’s construction and all operation and maintenance costs on an annual basis;
(d) determines that a method acceptable to the Secretary has been developed for quantifying the benefits, costs, or offset of the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to section 10004(a)(3).
(e) Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) only if—
(1) the project is feasible to expand such project to allow participation by the Secretary;
(2) the project has been offered the opportunity to participate in the project at a price that is no higher than the local agency’s own costs, in order to secure the construction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project was designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary; and
(3) amounts not to exceed $35,000,000.
(f) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.
(g) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the study, planning, design, and construction projects funded under section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not delay or avoid the execution of actions required by part I of this subtitle.
(h) Notice of the Secretary’s determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).
(i) In addition to the funds made available in subsections (a) and (b), there are authorized to be appropriated $50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Improvement Projects
SEC. 10301. SHORT TITLE.
This subtitle may be cited as the “Northwestern New Mexico Rural Water Projects Act.”

SEC. 10302. DEFINITIONS.
In this subtitle:
(1) AAMODT ADJUDICATION.—The term “Aamodt adjudication” means the general state adjudication subject of the civil action entitled “State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambé, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No. 66 CV 6639 MV/LCS (D.N.M.).
(2) ABRETTA ADJUDICATION.—The term "Abreitta adjudication" means the general stream adjudication that is the subject of the civil actions entitled "State of New Mexico v. Abreitta and State of New Mexico v. Arrellano", Civil Nos. 7896–BB (D.N.M.) and 7909–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term "acre-feet," means the following:

(A) AGREEMENT.—The term "Agreement" means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given in section 3 of Public Law 106–554, 100 Stat. 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) CITY.—The term "City" means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term "Colorado River Compact" means the Colorado River Compact of 1922 as approved by Congress on December 23, 1928 (43 Stat. 1057) and by the Presidential Proclamation of June 23, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term "Colorado River System" has the same meaning given the term in Article II of the Colorado River Compact.

(10) COMPACT.—The term "Compact" means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term "Contract" means the contract entered into between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term "depletion" means the depletion of the flow of the San Juan River Basin stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term "Draft Impact Statement" means the draft environmental statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term "Fund" means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term "hydrologic determination" means the hydrologic determination of the availability of water from the Navajo Reservoir and the other waters of the Upper Colorado River Basin for use in New Mexico, prepared by the Bureau of Reclamation in accordance with section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term "Lower Basin" means the following term as defined in Article II(g) of the Colorado River Compact.

(17) NATION.—The term "Nation" means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Tribes of the State of New Mexico (42 U.S.C. 1662), also known variously as the "Navajo Tribe," the "Navajo Tribe of Arizona, New Mexico & Utah," and the "Navajo Tribe of Indians," and other similar terms, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO–GALLUP WATER SUPPLY PROJECT.—The term "Navajo–Gallup Water Supply Project" or "Project" means the Navajo–Gallup Water Supply Project as defined in section 2 of Public Law 95–597, as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term "Navajo Indian Irrigation Project" means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE.—The term "Navajo Nation Municipal Pipeline" or "Pipeline" means the pipeline used to convey the water of the Animas–La Plata Project to the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1968 (Public Law 100–355; 2635A, Stat. 2763A).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term "Non-Navajo Irrigation Districts" means—

(A) the Hampton Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term "Partial Final Decree" means a final and binding judgment and decree entered by a court in a stream adjudication that is the subject of this Act because of—

(a) effectiveness of the Act; and

(b) the authorization of the Navajo–Gallup Water Supply Project under this subtitle; or

(c) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(24) PROJECT PARTICIPANTS.—The term "Project Participants" means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term "San Juan River Basin Recovery Implementation Program" means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term "stream adjudication" means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist, San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term "Supplemental Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term "Trust Fund" means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term "Upper Basin" has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10033. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 4 of this Act shall not be subject to any major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10034. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been approved by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo–Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo–Gallup Water Supply Project.

SEC. 10035. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 1064a shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620(2)) is amended by inserting "the Navajo–Gallup Water Supply Project," after "Fruitland Mesa,".

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620m) the following:

"SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

(1) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

(2) The top water bank arterialized under subsection (a) shall be operated in a manner that—"
striking section 2 and inserting the fol-

ajo Indian Irrigation Project facilities for

ation, the water diverted by the Navajo In-

age annual diversion by the Navajo Indian

authorized to construct, operate, and main-

620 et seq.), the Secretary of the Interior is

administering the water bank.''.

water bank in amounts sufficient to cover

would have been diverted and beneficially

water bank shall be water that otherwise

the boundaries of the Navajo Nation, for any

impairment of any existing water right does

New Mexico State Engineer to ensure that

Aquaculture purposes, including the

the rearing of fish in support of the San Juan

River Basin Recovery Implementation Pro-

gram authorized by Public Law 106-392 (114

Stat. 1602).

"(1) is consistent with applicable law, ex-

cept that, notwithstanding any other provi-

sion of law, water for purposes other than ir-

rigation may be stored in the Navajo Res-

ervoir established under section 16(a) of the

Colorado River Storage Project Act) (43

U.S.C. 620 et seq.), the Secretary of the Inter-

State Engineer File No. 3215; or

(2) the Boulder Canyon Project Adjustment

Act of April 11, 1956 (commonly known as the

‘Colorado River Storage Project Act’)."

"(1) is consistent with applicable law, ex-

cept that, notwithstanding any other provi-

sion of law, water for purposes other than ir-

rigation may be stored in the Navajo Res-

ervoir established under section 16(a) of the

Colorado River Storage Project Act) (43

U.S.C. 620 et seq.), including section 4(d) of

that Act.

"(3) The Secretary shall not reallocate, or

require repayment of, construction costs of

the Navajo Indian Irrigation Project because

of the conveyance of water supplies for non-

irrigation purposes under subsection (e) . . . .

"(A) If the Secretary determines that

the demand for delivery for uses in New

Mexico State Engineer File No. 3215; or

"(C) An annual normal diversion demand

of 135,000 acre-feet for the initial stage of the

San Juan-Chama Project authorized by sec-

tion 8, which shall be the amount to which

any subsequent increase shall be applied.

(2) The Secretary shall not include in the

normal diversion requirements—

"(A) The quantity of water that reliably can be divested under a contract entered into under subsection (b) may be transferred to areas located within or out-

side the area served by Navajo Indian Irriga-

tion Project facilities, and within or outside the boundaries of the Nation, for any

beneficial use in accordance with—

"(1) the agreement executed under section

10701(a)(2) of the Northwestern New Mexico

Rural Water Projects Act; or

"(2) the contract executed under section

10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215.

"(B) The Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

(2) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not consider the water stored in a top water bank in Navajo Res-

ervoir established under section 16(a) of the

Colorado River Storage Project Act, the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215; or

(2) the Boulder Canyon Project Adjustment

Act of April 11, 1956 (commonly known as the

Colorado River Storage Project Act)."

"(C) The uses in the State of New Mexico

that are determined under subsection (d), in accordance with the procedure for appor-

tioning the water supply under subsection (a).

(2) For any year for which the Secretary
determines and responds to a shortage in the Navajo Reservoir water supply, the Sec-

retary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the

San Juan-Chama Project authorized by sec-

tion 8, which shall be the amount to which

any subsequent increase shall be applied.

(2) The Secretary shall not include in the

normal diversion requirements—

"(A) The quantity of water that reliably can be divested under a contract entered into under subsection (b) may be transferred to areas located within or out-

side the area served by Navajo Indian Irriga-

tion Project facilities, and within or outside the boundaries of the Nation, for any

beneficial use in accordance with—

"(1) the agreement executed under section

10701(a)(2) of the Northwestern New Mexico

Rural Water Projects Act; or

"(2) the contract executed under section

10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215.

"(B) The Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

(2) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not consider the water stored in a top water bank in Navajo Res-

ervoir established under section 16(a) of the

Colorado River Storage Project Act, the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215; or

(2) the Boulder Canyon Project Adjustment

Act of April 11, 1956 (commonly known as the

Colorado River Storage Project Act)."

"(C) The uses in the State of New Mexico

that are determined under subsection (d), in accordance with the procedure for appor-

tioning the water supply under subsection (a).

(2) For any year for which the Secretary
determines and responds to a shortage in the Navajo Reservoir water supply, the Sec-

retary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the

San Juan-Chama Project authorized by sec-

tion 8, which shall be the amount to which

any subsequent increase shall be applied.

(2) The Secretary shall not include in the

normal diversion requirements—

"(A) The quantity of water that reliably can be divested under a contract entered into under subsection (b) may be transferred to areas located within or out-

side the area served by Navajo Indian Irriga-

tion Project facilities, and within or outside the boundaries of the Nation, for any

beneficial use in accordance with—

"(1) the agreement executed under section

10701(a)(2) of the Northwestern New Mexico

Rural Water Projects Act; or

"(2) the contract executed under section

10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215.

"(B) The Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

(2) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not consider the water stored in a top water bank in Navajo Res-

ervoir established under section 16(a) of the

Colorado River Storage Project Act, the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215; or

(2) the Boulder Canyon Project Adjustment

Act of April 11, 1956 (commonly known as the

Colorado River Storage Project Act)."

"(C) The uses in the State of New Mexico

that are determined under subsection (d), in accordance with the procedure for appor-

tioning the water supply under subsection (a).

(2) For any year for which the Secretary
determines and responds to a shortage in the Navajo Reservoir water supply, the Sec-

retary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the

San Juan-Chama Project authorized by sec-

section 8, which shall be the amount to which

any subsequent increase shall be applied.

(2) The Secretary shall not include in the

normal diversion requirements—

"(A) The quantity of water that reliably can be divested under a contract entered into under subsection (b) may be transferred to areas located within or out-

side the area served by Navajo Indian Irriga-

tion Project facilities, and within or outside the boundaries of the Nation, for any

beneficial use in accordance with—

"(1) the agreement executed under section

10701(a)(2) of the Northwestern New Mexico

Rural Water Projects Act; or

"(2) the contract executed under section

10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for uses from inflows to the San Juan River that arise below Navajo Dam in ac-

count with New Mexico State Engineer File No. 3215.

"(B) The Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer stor-

age for future recovery and use.
(3) the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.);
(4) the Act of September 30, 1968 (commonly known as the “Colorado River Basin Project Act”) (82 Stat. 885);
(5) Public Law 87–483 (76 Stat. 96);
(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (69 Stat. 1219);
(7) the Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);
(8) the Agreement of 1929;
(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);
(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2257); or

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund, to be known as the “Reclamation Water Settlements Fund”, consisting—

(1) deposits to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) Deposits to Fund.—

(1) In General.—For each fiscal year 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 in lieu of any deposits that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 396, chapter 1093).

(2) Availability of Amounts.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) Expenditures From Fund.—

(1) IN GENERAL.—

(A) Authorized Expenditures.—Subject to subparagraph (B), for each fiscal year 2020 through 2034, the Secretary may expend from the Fund—

(i) amounts not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3); and

(ii) additional expenditures. The Secretary may expend not more than $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) Additional Expenditures.—The Secretary may expend amounts not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3), to—

(i) rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or other biological conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(d) Use for Completion of Project and Other Settlements.—

(A) Priorities.—

(I) First Priority.—

(I) In general.—The first priority for expenditure of amounts in the Fund during the period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) Additional Amounts.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subparagraph (I).

(II) Other Purposes.—Any amounts in the Fund that are necessary to pay the Federal share of the costs, and substantially as necessary to be practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) Maximum Amount.—

(aa) In general.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000, for the period of fiscal years 2020 through 2029.

(bb) Exception.—The limitation on the expenditure amount under item (aa) may be excused in the judgment of the Secretary, to provide for the funding available pursuant to clauses (i) and (ii).

(2) Other New Mexico Settlements.—

(I) In General.—Subject to subclause (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund amounts not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount expended under subclause (I) shall not exceed $250,000,000.

(3) Montana Settlements.—

(I) In General.—Subject to subparagraph (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine, if the settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount expended under subclause (I) shall not exceed $250,000,000.

(4) Arizona Settlement.—

(I) In General.—Subject to subparagraph (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if the settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount expended under subclause (I) shall not exceed $100,000,000, for the period of fiscal years 2020 through 2029.

(bb) Exception.—The limitation on the expenditure amount under item (aa) may be excused during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(5) Other Funding.—The Secretary shall expend from the Fund such amounts not otherwise available through annual appropriations, if in the judgment of the Secretary, required to meet the purposes described in subparagraph (B), may be used to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $100,000,000, for the period of fiscal years 2020 through 2029.

(bb) Exception.—The limitation on the expenditure amount under item (aa) may be excused during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) and (ii).

(III) Other Funding.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(6) Investment of Amounts.—

(I) In General.—The Secretary shall invest such sums as are credited to, and form a part of, the Fund.

(II) Maximum Amount.—The amount invested pursuant to clause (i) shall not exceed $500,000,000.

(III) Montana Settlements.—

(I) In General.—Subject to subparagraph (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine, if the settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount invested pursuant to subclause (I) shall not exceed $250,000,000.

(7) Other Montana Settlements.—

(I) In General.—Subject to subparagraph (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of Montana with the Flathead Tribe, the Colville Tribe, or the Confederated Tribes of the Siletz, if the settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount invested pursuant to subclause (I) shall not exceed $250,000,000.

(8) Other Arizona Settlements.—

(I) In General.—Subject to subparagraph (II), effective beginning January 1, 2020, in addition to any other available funding, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of Arizona with the Oglala Sioux Tribe, if the settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum Amount.—The amount invested pursuant to subclause (I) shall not exceed $250,000,000.

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2257); or

participants shall provide all land or interest in authorized under this part, the Project Par-

a condition of construction of the facilities maintain the Project facilities authorized by paragraphs (1) through (4). The Secretary may not condemn water rights for purposes of the Project. (3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project. A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 491. (A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona. (B) Any pumping plants associated with the pipelines authorized under subparagraph (A). (5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power transmission works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project. (c) ACQUISITION OF LAND.— (1) IN GENERAL.—The Secretary is authorized to purchase land necessary to construct, operate, and maintain the Project facilities authorized under subsection (b). (2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b). (d) CONDITIONS.— (1) IN GENERAL.—Except as provided in paragraphs (3) and (4), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract; (B) the contracts authorized under section 10604 are executed; (C) the Secretary— (i) completes an environmental impact statement for the Project; and (ii) has issued a record of decision that provides for a preferred alternative; and (D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed toward design or replacement facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement. (2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and replacement Project construction if all other conditions for construction have been satisfied. (3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project. (e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation purposes to 26 megawatts of power for use by the Project. (f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.— (1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after— (i) has the right to use the water; (ii) agrees to pay the operation, maintenance, and replacement payment requirements of the Secretary and the Project Participants; (iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use; (ii) agree to fulfill the purposes of this part; (iii) conditions and requirements acceptable to the Secretary and the Project Participants for (I) the distribution of water under the Project or section of a Project facility; and (II) to fulfill the purposes of the part; (III) conditions and requirements acceptable to the Secretary and the Project Participants for (I) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and (II) other purposes acceptable to the Secretary and the Project Participants for (I) complete payment of the costs of construction of the facilities; and (II) to fulfill the purposes of the part; (III) conditions and requirements acceptable to the Secretary and the Project Participants for (I) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility; and (II) be responsible for— (aa) the operation, maintenance, and replacement of each Project facility; and (bb) be responsible for— (aa) the operation, maintenance, and replacement of each Project facility; and (bb) any water delivery to a Project Participant; and

(b), the Nation may use Project water allotments of the Contract executed under section 10604(a)(2)(B). (2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project. (3) LIABILITY.— (A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable for any court judgments of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, nor for any damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance. (B) VARIOUS USES.—In this section increases the liability of the United States beyond the liability provided in chapter 1 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”). (4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any Project facility under this section, the Secretary shall notify the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of the conveyance of each Project facility. (g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e). (h) REGIONAL USE OF PROJECT FACILITIES.— (1) IN GENERAL.—Subject to paragraph (2), Project facilities or sections of Project facilities (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if— (A) capacity is available without impairing any water delivery to a Project Participant; and

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any contract with the Nation or the Jicarilla Apache Nation shall not alter the availability of water for replacement payment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants. SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER. (a) USE OF PROJECT WATER.— (1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes. (2) USE ON CERTAIN LAND.— (A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on— (i) land held by the United States in trust for the Nation and members of the Nation; and (ii) land held in fee by the Nation.
water demands or uses may be delivered by paragraph (1) that is not needed for current categorized water in accordance with the Agreement and other applicable law.

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydropower electric power generated under paragraph (1) shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of hydropower electric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current use by the Nation in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) the Secretary of the Interior from the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(p) PROJECT WATER AND CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with Federal and State law, the provisions of the Agreement, the provisions of this title, and other applicable law.

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE UNITED NATIONAL.—To the extent that water is allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(i) 27,780 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River 20,780 acre-feet of water.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year for water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation in the State of New Mexico.

(2) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in paragraph (1), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefiting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation’s claim to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation’s behalf;

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and allocation of water from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico, consistent with the provisions of the Agreement approved by an Act of Congress, settle, and waive the Nation’s claim to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation’s behalf.

(B) LIMITATION.—Notwithstanding subparagraph (B), no water diverted by the Project shall be transferred pursuant to subparagraph (B) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors’ Representatives on Colorado River Operations from each State signatory to the Colorado River treaty, criteria, polices, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversions works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.); and,

(ii) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors’ Representatives on Colorado River Operations from each State signatory to the Colorado River treaty, criteria, polices, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversions works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this subparagraph shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(B); and,

(iii) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors’ Representatives on Colorado River Operations from each State signatory to the Colorado River treaty, criteria, polices, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversions works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 15 U.S.C. 1538(a) to subject water to water development in the State of Arizona, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to this Section 5 of the “Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Fish Species in the San Juan River” as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(C) FORBEARANCE.—

(i) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for Project water relating to Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of water to any Project Participant for uses in the State of New Mexico under the apportionments of water to the Navajo
Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation shall be allowed to divert a maximum of water from the San Juan River in the State of New Mexico by Article III(a) of the Colorado River Compact to the State of New Mexico; or

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the provisions of section 10604(f).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Na- vaajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of use of water in the State of New Mexico to allow use of water in other States other than as authorized under subsection (d).

(3) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall not be charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching the Lower Basin by Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 of this Act and the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 of this Act, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be deemed to authorize or establish a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything herein be construed as avoiding or diminishing the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basins;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Ar-izona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available under the statute to sustain the municipal water for the Navajo Na- tion at Window Rock in the State of Arizona; and

(6) the limited volume of water to be div-verted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(1) CONSENSUS.—Congress notes the con- sensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the need for the Secretary to be authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this section represent unique and efficient uses of Colorado River apportionments in a man- ner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVajo NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determina-tion necessary for the approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—In general.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(B) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(3) MINIMUM PERCENTAGE.—Notwith- standing subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obliga-tion of the City, as determined under para- graph (3), shall be nonreimbursable.

(B) MINIMUM PERCENTAGE.—Notwith- standing paragraph (A), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percent-age of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1) based on the ability of the City to pay.

(B) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obliga-tion of the City.

(1) CITY OF GALLUP CONTRACT.—

(A) the Nation, as authorized by the Con- tract, (B) the Jicarilla Apache Nation, as author- ized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2337); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is author- ized to enter into a repayment contract with the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and
SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water, the Secretary may authorize the conveyance of the Pipeline to the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility to the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) In general.—In conveyance to the City of Farmington or Nation, in conveyance to the Pipeline to the City of Farmington and the Nation shall not affect the conveyance authorized by this subsection.

(2) Notice of proposed conveyance.—The conveyance shall not be subject to the application of any Federal law, rule, regulation, or administrative order relating to the conveyance, except for the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), relating to the conveyance of the Pipeline associated with the Animas-La Plata Project.

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may convey the water described in subsection (a) to the United States or to the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may convey water in the Little Colorado River Basin in the State of New Mexico and the Rio Grande Basin in the State of New Mexico for municipal and domestic uses.

(2) Use.—Groundwater diverted and distributed under paragraphs (1) and (3) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the facilities and related pipeline facilities located outside the corporate boundaries of the City of Farmington.

(3) CONVIENANCE OF WELLS.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), relating to the conveyance of the Pipeline associated with the Animas-La Plata Project.
(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made on an agreed method, the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT Obligation.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until the Secretary executes the Agreement.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973, as amended by 0.C. 1581 et seq., to the wells or land, which shall be considered to be the total serviceable area of the project.

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipeline facilities, and lateral pipeline facilities of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT Obligation.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Na va jo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Na va jo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented, rehabilitated, or reconstructed to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Na va jo Irrigation Districts to plan, design, or otherwise implement projects identified under subsection (a)(2).

(c) COST-SHARING.—(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall not be more than 50 percent, and shall be nonreimbursable.

(2) FORM.—(A) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.

(1) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $670,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(B) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(2) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(e) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out specific projects for the period of fiscal years 2009 through 2019.

(f) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for surveys, research, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable.

(g) FISH AND WILDLIFE FACILITIES.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(h) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.— Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(b) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring an additional fee for water; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(c) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Court, and this subtitle.

(d) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.
(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2050 and 2051 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Diver-</th>
<th>Deple-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navajo Indian Irrigation Project</td>
<td>506,000</td>
<td>270,000</td>
</tr>
<tr>
<td>Navajo-Gallup Water Supply Project</td>
<td>22,650</td>
<td>20,780</td>
</tr>
<tr>
<td>Animas-La Plata Project</td>
<td>4,680</td>
<td>2,340</td>
</tr>
<tr>
<td>Total</td>
<td>535,330</td>
<td>293,120</td>
</tr>
</tbody>
</table>

(C) MAXIMUM QUANTITY.—A diversion of water under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—

The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a contractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract:

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the project uses water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law; and

(B) change a point of diversion, change a purpose or term of a water use subcontract (including a renewal) under this subsection shall not be more than 99 years.

(G) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subleasing of rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2161 of the Revised Statutes (25 U.S.C. 177).

(V) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2024, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(A) ALIENATION: MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permit any alienation of any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement described in paragraph 4.0 of the Agreement shall not be more than 99 years.

(V) nullification.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) The Secretary shall execute the Agreement.

(ii) The CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall enter the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2019, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) THRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(vii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1)(f) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the National Commission, acting through the New Mexico Interstate Stream Commission agree that an extension is necessary for the implementation of the Agreement.
(A) PETITION.—If the Nation determines that a deficiency described in paragraph (1)(A) is not substantially met, the Nation may make an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A), the trust fund shall be deposited in the general fund of the Treasury.

(C) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right or duty to divert to the capacities of conjunctive use wells constructed or rehabilitated under section 10606;

(ii) A failure to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(iii) To obtain a necessary water right for the consumption of water in Arizona;

(iv) To contract for the delivery of water for use in Arizona;

(v) To construct and operate a lateral facility for delivery to a community in the Nation in Arizona, under the Project.

(C) EFFECT ON RIGHTS OF INDIAN TRIBES.—(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section shall adversely affect the water rights of the members of the Nation, their allottees, or the United States, as set forth in the Agreement's water rights and other benefits, in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized by this Act.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be annulled to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with paragraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(i) such amounts as are appropriated to the Trust Fund under subsection (f); and

(ii) any amount earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this section, facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation or other relief because the Nation act in its capacity as trustee for the Nation, shall execute a waiver and release of—

(A) all claims for water rights in, or for water of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized by this Act;

(B) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including losses from lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e);

(C) all claims of any damage, loss, or injury or for contraceptive or a failure to protect, acquire, replace, or develop water or water rights in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e);

(D) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—In return for recognition of the Nation’s water rights and other benefits, including but not limited to the commitments to the Nation, the Nation shall execute a waiver and release of—

(i) all claims for water rights in, or for water of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized by this Act;

(ii) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including losses from lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e);

(iii) all claims of any damage, loss, or injury or for contraceptive or a failure to protect, acquire, replace, or develop water or water rights in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e).

(c) RESERVATION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for water of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized by this Act;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including losses from lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for contraceptive or a failure to protect, acquire, replace, or develop water or water rights in the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, ascertained, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e); and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.
(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.6, 9.12, 9.13, and 13.9 of the Agreement;
(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this Acts, including but not limited to any claims the Nation might have under—
(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);
(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and
(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
(3) all claims relating to damages, losses, or injuries to land or natural resources not due to the water or water rights; and
(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this Act;
(5) TOLLING OF CLAIMS.—
(a) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—
(A) March 1, 2025; or
(B) the effective date described in subsection (c).
(b) EFFECT OF SUBSECTION.—Nothing in this section revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.
(c) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.
(d) EFFECTIVE DATE.—
(1) IN GENERAL.—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) has been met.
(2) DEADLINE.—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B);
(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and
(B) section 10701(e)(2)(B) shall apply.
SEC. 10704. WATER RIGHTS HELD IN TRUST.
A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement
SEC. 10801. FINDINGS.
Congress finds that—
(1) the treaty policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;
(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;
(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes’ water rights has resulted in losses to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;
(4) April 26, 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjunction Area; the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to acquire the Tribes’ water rights in the State of Idaho;
(5) of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer; and
(6) final resolution of the Tribes’ water claims in the East Fork of the Owyhee River adjudication.
(a) take any years;
(b) entail great expense;
(c) continue to limit the access of the Tribes to water, with economic and social consequences;
(d) prolong uncertainty relating to the availability of water supplies; and
(e) seriously impair long-term economic planning and development for all parties to the litigation;
(7) after many years of negotiation, the Tribes, the United States, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and
(8) the Tribes’ Impairment and Water, to resolve certain water-related claims for damages against the United States.
SEC. 10802. PURPOSES.
The purposes of this subtitle are—
(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—
(A) the United States;
(B) the State; and
(C) the Tribes; and
(D) the upstream water users;
(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;
(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;
(4) to resolve the Tribes’ water-related claims for damages against the United States;
(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and
(6) to authorize the actions and appropriations necessary to meet the obligations of the United States to the Agreement and this subtitle.
SEC. 10803. DEFINITIONS.
In this subtitle:
(1) AGREEMENT.—The term “Agreement” means the agreement entitled the “Agreement to settle and construe the water rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River” and signed in the presence of the parties on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).
(2) DEVELOPMENT FUND.—The term “Development Fund” means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).
SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) Status of the Duck Valley Indian Irrigation Project.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) Appropriations.—The amounts made available under this subtitle for the Duck Valley Indian Irrigation Project shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) Definition of Funds.—In this section, the term ‘‘Funds’’ means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) Establishment.—There is established in the Treasury of the United States a fund to be known as the ‘‘Shoshone-Paiute Tribes Water Rights Development Fund’’.

(2) Use of Funds.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project;

(ii) pay or reimburse costs incurred by the Tribes in acquiring land and water rights;

(iii) for purposes of cultural preservation; and

(iv) to restore or improve fish or wildlife habitat.

(c) Maintenance Fund.—

(1) Establishment.—There is established in the Treasury of the United States a fund to be known as the ‘‘Shoshone-Paiute Tribes Operation and Maintenance Fund’’.

(2) Use of Funds.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality treatment facility.

(3) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2010 through 2014.

(d) Availability of Amounts from Funds.—Amounts made available under subsection (b) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) Administration of Funds.—Upon completion of the purpose described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), shall begin by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162).

(f) Expenditures and Withdrawal.—

(1) Tribal Management Plan.—

(A) In General.—The Tribes may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) Requirements.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(1).

(C) Enforcement.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan, or the provisions withdrawn from the Funds under the plan, if the Tribes fail to comply with the provisions of the plan as described in section 10808(d).

(2) Use of Funds.—The Tribes shall use amounts withdrawn from the Funds for—

(A) operation, maintenance, and replacement costs of a water supply and sewer system for a tribal community, including the operation and maintenance costs of a water quality treatment facility;

(B) to pay the costs of—

(i) providing treatment facilities for the reduction of contaminants in drinking water; or

(ii) to protect the quality of the water supply and sewer system;

(C) to provide reimbursement for—

(i) operation and maintenance costs of water supply and sewer systems for tribal communities; and

(ii) the purposes described in paragraphs (b)(1)(A)(ii) and (b)(1)(B).

(g) No Per Capita Payments.—No amount from the Funds (including any interest income that would have accrued to such Fund after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) Waiver and Release of Claims by Tribes and United States Acting as Trustee for Tribes.—In return for recognition of the Tribes’ water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) Waiver and Release of Claims by Tribes Against United States.—The Tribes, their members, and their members acting in a representative capacity, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the date upon which the Tribes notify the
(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes’ water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the waivers by the Tribes, or the United States; and

(2) the right to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including claims for damages to natural resources caused by water pollution (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ‘Resource Conservation and Recovery Act of 1976’), and the regulations implementing those Acts;

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2019—

(1) the Agreement and this subtitle shall not take effect; and

(2) all amounts have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TRIAL OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement;

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right; or

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ‘Resource Conservation and Recovery Act of 1976’), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allotsee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(f) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS


(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ‘homeland and’ after ‘planning for’;

(B) in subparagraph (E), by striking ‘predicting’ and inserting ‘identifying’;

(C) in subparagraph (I), by striking ‘and’ after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

(5) recreation and public awareness; and’’;

and

(3) in paragraph (9), by striking ‘‘importantly’’ and inserting ‘‘importantly’’;

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ‘‘and management of the period at the end’’;

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ‘‘not later than’’ and all that follows through the semicolon at the end and inserting ‘‘not later than’’ and all that follows through ‘‘in accordance’’ and inserting ‘‘not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009’’;

(2) in subparagraph (E), by striking ‘‘not later than’’ and all that follows through ‘‘submit’’ and inserting ‘‘submit biennially’’;

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(2)) is amended—

(1) by striking ‘‘geophysical-map data base, geochemical-map data base, and’’;

and

(2) by striking ‘‘provide’’ and inserting ‘‘provides’’;


(1) in subclause (I), by striking ‘‘and’’ after the semicolon at the end and inserting ‘‘and’’;

and

(2) in subclause (II), by striking the period at the end and inserting ‘‘; and’’;

and

(3) by adding at the end the following:

‘‘(III) the needs of land management agencies of the Department of the Interior;’’;

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(A) by inserting ‘‘the Secretary of the Interior or a designee from a land management agency of the Department of the Interior, after ‘‘Administrator of the Environmental Protection Agency or a designee’’;

and

(B) by inserting ‘‘and’’ after ‘‘Energy or a designee,’’; and
by striking ‘‘2000’’ and inserting ‘‘2005’’;

be appropriated to carry out this Act

later’’ and all that follows through ‘‘bienni-

U.S.C. 31g) is amended by striking ‘‘Not

hazards) used or disseminated by Federal

the end;


quantity of water in the aquifers;

in accordance with this

ordination with the State of New Mexico (re-

United States Geological Survey (referred to

SEC. 11002. NEW MEXICO WATER RESOURCES

LOCATION.—Section 9 of the National Geo-

priate, the Administrator shall seek to fa-

ploration programs. To the extent appro-

consultation with the National Science

and Atmospheric Administration shall, in

and other Federal agencies, establish a coordinated national

consultation with the National Science

in relevant fields—

ministry of ocean, marine, and Great Lakes science,

and other agencies; and

to encourage cost-sharing partnerships with governmental and nongovernmental en-

that will assist in transferring explo-

accept donations of property, data, and

equipment to be applied for the purpose of

exploring the oceans or increasing knowl-

of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDER-

SEA 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 Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Management Service, and representatives of non-governmental, academic, industry, and other experts, shall convene an ocean explo-

and undersurface research technology and infrastructure task force to develop and im-

strategy:

(1) to facilitate transfer of new exploration and research results and resources to pro-

(a) IN GENERAL.—The Secretary of the In-

(b) F EDERAL ADVISORY COMMITTEE ACT.—

(5) enhance the technical capability of the

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Admin- istration.

SEC. 12002. 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 national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and ex-

programs to the extent appropriate, the Administrator shall seek to fa-

facilitate coordination of data and information management, such as the technical expertise and relevance of the na-

the Navy, the Mineral Management Service, and the United States Geological Survey, the Department of the Interior, the Army Corps of Engineers, and other Federal agencies; and

on unique and significant features obtained by such programs available for re-

Ocean and Coastal Resources Act of 1972 (43 U.S.C. 479g) is amended by strik-

(2) in paragraph (2), by striking ‘‘one representa-

Secretary; and

members; and

symbol of respect to ‘‘Chair’’ and inserting ‘‘Chairman’’;

on or uses geologic-based hazards, under Federal agencies for regulation or land-use planning; and

(11) by striking ‘‘, and the Assistant to the

President for Science and Technology or a

man’’ and inserting ‘‘Associate Director for

(10) by striking the word ‘‘and’’ and inserting

(9) by striking ‘‘Secretary, or other designee’’;

(8) by striking ‘‘Secretary’s’’ and inserting

(7) by striking ‘‘Secretary, or other designee, or

(6) by striking ‘‘Secretary, or other designee, or

(5) by striking ‘‘Secretary, or other designee, or

(4) by striking ‘‘Secretary, or other designee, or

(3) by striking ‘‘Secretary, or other designee, or

(2) by striking ‘‘Secretary, or other designee, or

(1) by striking ‘‘Secretary, or other designee, or

(3) CONFUSING AMENDMENT.—Section 5(a)(1)

(2) DUTIES.—Section 5(b) of the National Geo-

and the Committee on Resources of the

the date of enactment of this Act, the Sec-

State.

the Board established under section 12005; and

as requested by the Administrator.

of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,

ministry of ocean, marine, and Great Lakes science,
(c) Application With Outer Continental Shelf Lands Act.—Nothing in part supercedes, 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. 12006. AUTHORIZATION OF APPROPRIATIONS.

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

(1) $33,550,000 for fiscal year 2009;
(2) $30,101,000 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) $54,715,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the “NOAA Undersea Research Program Act of 2009.”

SEC. 12102. 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 provide knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. 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 those organizations;
(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to further technological advancement of the marine industry; and
(3) coordinate the development of agency budgets and identify the items in their annual budgets that support the activities described in paragraphs (1) and (2).

SEC. 12104. 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 (NOAA) programs, 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.

SEC. 12105. 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 missions 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 undersea observatories, observatories, 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.
6. Contractors comprised of the directors of the extramural regional centers, and the National Institute for Undersea Science and Technology, shall coordinate the development of agency partnerships with other Federal, academic, and non-governmental entities; identify the Director but not covered by funding available from centers.
7. 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 program direction under section 12101 and every 5 years thereafter.
8. 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.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—
(A) $13,750,000 for the regional centers, of which 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) $16,838,000 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) $18,801,000 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;

(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.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) In General.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the sitting of research and other platforms, and advances ocean and coastal science.

(b) Membership.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) Program Parameters.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, resolution, subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that facilitate the development of mapping technology and the development of best practices for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating interoperability of situ data collection systems, data processing, analysis, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including data sharing, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national mapping registry as well as provide mapping products and services to the general public in service of statutory requirements;
develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and related activities; describe the data and metadata associated with collections of federal data; document locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged lands, traditional marine areas, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation; document the management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data;

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle.

(c) CHAIRMAN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups and other ad hoc meetings may be formed by the full Committee or subcommittee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with:

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee with the interagency committee on ocean and coastal mapping.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee, shall transmit to the Committee on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution of data;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Oceanic and Atmospheric Administration, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal program through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geographical Survey’s Coastal and Ocean Data Exchange Map centerpiece and other national entities, as well as minimum data acquisition and exchange capabilities, for related issues, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, biological oceanographic projects, and ocean and coastal observations and science projects;

(c) NOAA J OINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, joint hydrographic centers, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions; and

(g) A DVISORY PANEL.—The Administrator, in consultation with the Committee, may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee with the interagency committee on ocean and coastal mapping.
(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps and other agencies with ocean and coastal mapping programs, and civilian personnel.

(6) improving the Nation’s capability to meet the needs of user groups from the public, Federal, local, and private interests at a regional level with the responsibility of ensuring the provision of data and information that meet the needs of user groups from the respective regions.

(a) IN GENERAL.—The term “coastal state” means the head of any department or agency of the Federal Government, or persons appropriate pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $25,000,000 for each of fiscal years 2009;
(2) $12,000,000 for fiscal year 2010;
(3) $35,000,000 for fiscal year 2011; and
(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) Authorization of Appropriations. In the Senate.

SEC. 12201. DEFINITIONS.

(1) COASTAL AND OCEANIC SURVEY.—The term "Department of Commerce and U.S. Geological Survey" means the National Oceanic and Atmospheric Administration, but does not include the National Ocean Survey Program, the National Oceanic and Atmospheric Administration, or the National Ocean Survey Program, the National Oceanic and Atmospheric Administration, or the National Ocean Survey Program.

(2) COASTAL AND OCEANIC OCEAN RESEARCH.—The term "Coastal and Oceanic Research" means the National Oceanic and Atmospheric Administration, but does not include the National Ocean Survey Program, the National Oceanic and Atmospheric Administration, or the National Ocean Survey Program.

(3) FEDERAL ASSETS.—The term "Federal assets" means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed by agencies, regional or local organizations, universities, non-governmental organizations, or the private sector.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—The term "Regional Information Coordination Entities" means the Regional Information Coordination Entities that meet the needs of user groups from the public, Federal, local, and private interests at a regional level with the responsibility of ensuring the provision of data and information that meet the needs of user groups from the respective regions.

(5) NON-FEDERAL ASSETS.—The term "non-Federal assets" means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed by agencies, regional or local organizations, universities, non-governmental organizations, or the private sector.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

SEC. 12302. PURPOSES.

(1) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System Act of 2009.

(2) EFFECT ON OTHER LAWS.

(3) E XCLUSIVE ECONOMIC ZONE .—The term "Exclusive Economic Zone" means the area of the United States estabhlished by Presidential Proclamation Number 5030, of March 10, 1983.

(4) OCEAN AND COASTAL MAPPING .—The term "Ocean and Coastal Mapping" means the National Oceanic and Atmospheric Administration, and the National Ocean Survey Program.

(5) NON-FEDERAL ENTITIES.—The term "Non-Federal Entities" includes non-Federal entities, the National Ocean Survey Program, and the National Ocean Survey Program.

(6) TERRITORIAL SEA.—The term "Territorial sea" means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5030, of March 10, 1983.
fulfill regional observation missions and priorities;
(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;
(D) a research and development program conducted under the guidance of the Council, consisting of—
   (i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, data, and management to better support, in- 
   tegrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mis-
   sion and responsibilities.
   (ii) large scale computing resources and re- 
search to advance modeling of coastal and ocean processes.
(2) ENHANCING ADMINISTRATION AND MANAGE-
MENT.—The head of each Federal agency that has jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate ac-
tions to enhance internal agency administration and management to better support, int-
egrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.
(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data products from the System and that are not otherwise restricted for integration, management, and dissemination by the System.
(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.
(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.
(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination over-
sight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—
(A) approve and adopt comprehensive Sys-

tem budgets developed and maintained by the National Ocean Observing Systems and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observ-
ergy programs; and
(B) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technologies and methods into operations of the System.
(2) INTERAGENCY OCEAN OBSERVATION COM-
MITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—
(A) prepare annual and long-term plans for consider-
ation and approval by the Council for the Integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;
(B) develop and submit to Congress at the time of submission of the President’s an-
nual budget request an annual coordinated, comprehensive budget to operate all elements identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;
(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consulta-
tion with regional information coordination entities, priorities for System observations;
(D) establish protocols and standards for System data processing, management, and communication;
(E) develop contract certification stand-
ards and compliance procedures for all non-
Federal assets, including regional informa-
tion coordination entities, to establish eligi-
bility for participation in the System and to ensure compliance with all applicable stand-
ard protocols and standards established by the Coun-
icl, and ensure that regional observations are integrated into the System on a sus-
tained basis;
(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;
(G) subject to the availability of appropriation,- establish through one or more participat-
ing Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs,
   (i) to promote regional information coordina-
tion and data processing and management of the System consistent with regional needs and capabilities,
   (ii) to foster the development of new, innova-
tive, and emerging scientific and technol-
genous advances from research and develop-
tement to operational deployment,
   (iii) to demonstrate an organizational struc-
ture capable of gathering required System observation data, supporting and integrating the aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and that reflects the needs of State and local governments, commercial interests, and that reflects the needs of the System and other requirements specified under this subtitle and the System Plan;
   (iv) to identify gaps in observation coverage necessary to fulfill efficient and effective of re-
gional information coordination entities,
   (v) to formulate an annual process by which the Council may delegate budget ap-
propriation procedures for allocation of funds among contractors, grantees, and non-Fed-
eral assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;
(H) develop and implement a process for the periodic review and evaluation of the efficiency and effective of re-
gional information coordination entities;
(i) ensure collaboration among Federal agencies participating in the activities of the Committee; and
(J) perform such additional duties as the Coun-

icy may delegate.
(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Coun-
icl, the Interagency Ocean Observation Com-
mitee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—
(A) establish an Integrated Ocean Observing Program Office within the National Oce-

anic and Atmospheric Administration util-
izing to the extent necessary, personnel from the Ocean Data Information Coordination Committee; and
(B) implement policies, protocols, and stan-
ards approved by the Council and dele-
gated by the Interagency Ocean Observing Committee;
(C) develop and operate under a strategic operation plan that will ensure the effi-
cient and effective administration of pro-
gress and programs and assets to support daily data obser-

vations and Integration of System data, includ-

ing regional information coordination entities;
(D) a research and development program conducted under the guidance of the Council, consisting of—
   (i) basic and applied research and tech-
ology development to improve under-
standing of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, data, and management to better support, in-
tegrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.
   (ii) large scale computing resources and re- 
search to advance modeling of coastal and ocean processes.
(2) ENHANCING ADMINISTRATION AND MANAGE-
MENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data products from the System and that are not otherwise restricted for integration, management, and dissemination by the System.
(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data products from the System and that are not otherwise restricted for integration, management, and dissemination by the System.
(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.
(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.
(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination over-
sight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—
(A) approve and adopt comprehensive Sys-

tem budgets developed and maintained by the National Ocean Observing Systems and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observ-
ergy programs; and
(B) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technologies and methods into operations of the System.
(2) INTERAGENCY OCEAN OBSERVATION COM-
MITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—
(A) prepare annual and long-term plans for consider-
ation and approval by the Council for the Integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;
(B) develop and submit to Congress at the time of submission of the President’s an-
nual budget request an annual coordinated, comprehensive budget to operate all elements identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;
(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consulta-
tion with regional information coordination entities, priorities for System observations;
(D) establish protocols and standards for System data processing, management, and communication;
(E) develop contract certification stand-
ards and compliance procedures for all non-
Federal assets, including regional informa-
tion coordination entities, to establish eligi-
bility for participation in the System and to ensure compliance with all applicable stand-
ard protocols and standards established by the Coun-
icl, and ensure that regional observations are integrated into the System on a sus-
tained basis;
(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;
(G) subject to the availability of appropriation,- establish through one or more participat-
ing Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs,
   (i) to promote regional information coordina-
tion and data processing and management of the System consistent with regional needs and capabilities,
   (ii) to foster the development of new, innova-
tive, and emerging scientific and technol-
genous advances from research and develop-
tement to operational deployment,
   (iii) to demonstrate an organizational struc-
ture capable of gathering required System observation data, supporting and integrating the aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and that reflects the needs of the System and other requirements specified under this subtitle and the System Plan;
   (iv) to identify gaps in observation coverage necessary to fulfill efficient and effective of re-
gional information coordination entities,
   (v) to formulate an annual process by which the Council may delegate budget ap-
propriation procedures for allocation of funds among contractors, grantees, and non-Fed-
eral assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;
(H) develop and implement a process for the periodic review and evaluation of the efficiency and effective of re-
gional information coordination entities;
(i) ensure collaboration among Federal agencies participating in the activities of the Committee; and
(J) perform such additional duties as the Coun-

icy may delegate.
(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Coun-
icl, the Interagency Ocean Observation Com-
mitee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—
(A) establish an Integrated Ocean Observing Program Office within the National Oce-

anic and Atmospheric Administration util-
izing to the extent necessary, personnel from the Ocean Data Information Coordination Committee; and
(B) implement policies, protocols, and stan-
ards approved by the Council and dele-
gated by the Interagency Ocean Observing Committee;
(C) develop and operate under a strategic operation plan that will ensure the effi-
cient and effective administration of pro-
gress and programs and assets to support daily data obser-
vations and Integration of System data, includ-
ing regional information coordination entities;
(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and
(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may be considered to have functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—
(1) The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.
(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—
(A) administration, operation, management, and maintenance of the System, including the integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;
(B) expansion and periodic modernization and upgrade of technology components of the System;
(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and
(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.
(3) MEMBERS.—
(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.
(B) TERMS OF SERVICE.—Members shall be appointed for terms, renewable once, for a term of 4 years. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be reappointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.
(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.
(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as specified in section 2202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—
(A) The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.
(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet three times a year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) ADMINISTRATIVE EXPENSES.—Members of the System advisory committee shall not be compensated for service on that committee, but may be allowed travel expenses, including living allowance during each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(E) EXPENSE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(F) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participated in by an employee of the System or an employee of the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity providing services within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other entities of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and assign or delegate any authority and responsibilities to, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.
(b) RECIPIENTS.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain observational and information activities that enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and the fulfillment of the System Plan.

SEC. 12306. APPOINTMENT WITH OTHER LAWS.

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

SEC. 12307. 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 report to the President acting through the Council that will approve and transmit to the Congress a report on progress made in implementing this Act.
(b) CONTENTS.—The report shall include—
(1) a description of activities carried out under this subtitle and the System Plan;
(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;
(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;
(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;
(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and dissemination of information that defines the effectiveness of regional information coordination entities to coordinate regional observation operations;
(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators); and
(7) recommendations concerning—
(A) modifications to the System; and
(B) funding levels for the System in subsequent fiscal years; and
(8) the results of a periodic external independent program evaluation of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act, that defines the roles and responsibilities of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall report to the Congress a policy within 6 months after the date of the enactment of this Act, that defines the roles and responsibilities of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector providing to end-user communities environmental information, products, technologies, and services related to the System.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of the enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and for the acquisition of new Federal assets for the System, including operation and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision to the Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall not be replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $300,000,000 in life-cycle costs without providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Federal Ocean Acidification Research and Monitoring Act of 2009” or the “FOARAM Act”.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—
(1) development and coordination of a comprehensive interagency plan to—
(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and
(B) establish an interagency research and monitoring program on ocean acidification; and
(2) establish an interagency research and monitoring program within the National Oceanic and Atmospheric Administration;
(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(b) MEMBERSHIP.—(1) The interagency working group on ocean acidification shall be comprised of representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Oceanographic and Atmospheric Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(c) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(d) FUNCTION.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine ecosystems and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and the public; and

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on and adaptation developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(e) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(f) STRATEGIC RESEARCH PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems; and

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring planning that will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) research to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data and collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan developed by the Subcommittee under section 12405 that—

(I) includes—

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(2) describes—

(A) the potential impacts of ocean acidification on marine organisms and marine ecosystems;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data and collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;
search and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12403.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency’s ocean acidification activities with such activities of other relevant agencies, and shall ensure that they cooperate to the extent practicable to ensure that the acidification research and activities to improve understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) incorporates a multidisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(1) $8,000,000 for fiscal year 2009;
(2) $12,000,000 for fiscal year 2010;
(3) $15,000,000 for fiscal year 2011; and
(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle:

(1) $5,000,000 for fiscal year 2009;
(2) $5,000,000 for fiscal year 2010;
(3) $12,000,000 for fiscal year 2011; and
(4) $15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE. This Act may be cited as the “Coastal and Estuarine Land Conservation Program Act.”

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

"(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submittal to the Secretary.

(7)(A) Priority shall be given to lands described in subsection (a) that can be acquired and protected in an effective, efficient, and environmentally sound manner as well as those that are threatened with conversion to uses that will degrade or otherwise diminish their natural, undeveloped, or recreational state.

(7)(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

"(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state;

(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment;

(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, and private organizations.

(9) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(10) The Secretary shall establish procedures and measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(11) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

"(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

"(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.

(2) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(3) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(4) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

"(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.

(2) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(3) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(4) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.

(2) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(3) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(4) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.

(2) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(3) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(4) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.

(2) Eligible coastal states or National Estuarine Reserve States may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(3) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

(4) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS. —

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be made or any funds awarded under this section are expended, without the concurrence of the local governmental entity with which the Secretary cooperates.
“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such access or use is consistent with such property (including a conservation easement) which has been purchased with funds made available under this section.

“(4) This program shall require a 100 percent match from other non-Federal sources.

“(5) The administration of the program shall require the authority of Federal, State, or local governments to regulate land use. As non-Federal match, if the Secretary deems appropriate and consistent with the purposes of the program.

“(6) Other Federal Funds.—Where financial resources are matched by Federal funds in accordance with applicable Federal law, such funds shall be used by the Secretary for planning or administration of the program.

“(7) Cost Share Requirement.—(A) Grant funds under the program may be applied to the cost of the project. (B) Waiver of Requirement.—The Secretary may grant a waiver of subparagraph (A) if the Secretary determines that such land or interest will satisfy the same requirements as the lands or interests that would be acquired.

“(8) Source of Matching Cost Share.—For purposes of subparagraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following: (A) The value of land or a conservation easement to be acquired by a project applicant as non-Federal match, if the Secretary determines that—(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant; and (ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and (iii) the land or easement is connected either physically or through a conservation plan to a process of land use or land use that would be acquired.

“(9) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(10) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award or for a period described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(11) Matching Requirements.—No more than 5 percent of the funds made available to the Secretary under this section shall be available for acquisitions benefitting National Estuarine Research Reserve.

“(12) Statistical Activity.—(A) Administrative Costs.—No more than 15 percent of the funds made available under this section shall be available for acquisition activities.

“(13) Title and Management of Acquired Property.—If any property is acquired in whole or in part with funds available through a grant under this section, the grant recipient shall provide—(1) such assurances as the Secretary may require that—(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity; and (B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and (2) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process;

“(14) Certification that the property (including any interest in land) will be acquired from a willing seller.

“(15) Responsibilities for Property Used for Non-Federal Match.—(A) If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match, the grant recipient must to the Secretary’s satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(16) Definitions.—In this section:

“(1) Conservation easement.—The term ‘conservation easement’ includes an easement, a deed of trust or a deed of trust fund, or a conservation easement at the time of the award, or, for lands described in (A), within 3 years after the date of the award of the grant.

“(2) Cost share requirement.—The term ‘cost share requirement’ includes an easement, a deed of trust or a deed of trust fund, or a conservation easement at the time of the award, or, for lands described in (A), within 3 years after the date of the award of the grant.

“(17) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2009 through 2013.

“TITLE XIII—MISCELLANEOUS

“SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

“(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1989 (23 Stat. 576, chapter 180), is amended by adding at the end the following:

“SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) Distribution.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land granted under this Act (referred to in this section as the ‘trust fund’)—(1) deposit all revenues earned by a trust fund into the trust fund;

“(b) Disposition.—Notwithstanding section 11, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.

“(c) Consent of Congress.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3637 of the 59th Legislature of the State of North Dakota entitled ‘A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date’ and approved by the voters of the State of North Dakota on November 7, 2006.

“SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

“(a) Priority Projects.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ‘$5,000,000’ and inserting ‘$2,500,000’.

“(b) Maintenance of Reserves.—The Bonneville Power Administration, in cooperation with the Secretary of the Interior, shall develop a plan for the restoration and mitigation of the effects of the Bonneville Dam on the Columbia and Snake Rivers.

“(c) Administrative Costs.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided by the Secretary to the Bonneville Power Administration directly or through a grant to another entity for a project carried out under the
Program shall be credited toward the non-
Federal share of the costs of the project.’’.
(c) REPORT.—Section 9 of the Fisheries
Restoration and Irrigation Mitigation Act of
2000 (16 U.S.C. 777 note; Public Law 106–502) is ame-
ed—
(1) by inserting ‘‘any’’ before ‘‘amounts are made’’; and
(2) by inserting after ‘‘Secretary shall’’ the following: ‘‘, after partnering with local gov-
ernmental entities and the States in the Pa-
cific Ocean drainage area.’’
(d) APPROPRIATIONS.—Section 10 of the Fisheries Restoration
and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is ame-
ed—
(1) by deleting the heading, by striking ‘‘2001 through 2005’’ and inserting ‘‘2009 through 2015’’; and
(2) in subsection (b), by striking paragraph (2) and inserting the following:
‘‘(2) ADMINISTRATIVE EXPENSES.—
‘‘(A) DEFINITION OF ADMINISTRATIVE EXP-
ENSE.—In this paragraph, the term ‘adminis-
trative expenses’ means, except as provided in
subsection (b)(2), all expenses necessary by the
Secretary of the Air Force to carry out the
conveyance, the Secretary concerned incurs the actual costs, and the Secretary collects amounts under subparagraph (A) to cover the costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—
(i) the amount collected by the Secretary concerned; and
(ii) the actual costs incurred by the Sec-
retary concerned.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.
(a) DEFINITIONS.—In this section:
‘‘(1) INSTITUTE.—The term ‘Institute’ means the Lovelace Respiratory Research
Institute, a nonprofit organization chartered
by the State of New Mexico, which, through
the acquisition of the land in Lovelace Par-
cel A, will undertake research and develop-
ment relating to—
‘‘(II) any environmental remediation or re-
covery undertaking at, in, under, or on the
parcel or any portion of the parcel not being used for the purposes described in subparagraph (A) of this paragraph,''

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.
(a) IN GENERAL.—Section 203(a) of the De-
partment of Energy Organization Act (42 U.S.C. 7339(a)) is amended in the first sen-
tence by striking ‘‘8 Assistant Secretaries’’ and
inserting ‘‘8 Assistant Secretaries’’.
(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is ame-
ed by striking ‘‘Assistant Secretary of Energy (7)’’ and inserting ‘‘Assistant Secretaries of Energy (8)’’.

SEC. 13003. AMENDMENTS TO THE ALASKA NAT-
URAL GAS PIPELINE ACT.
Section 106(a) of the Alaska Natural Gas
Pipeline Act (15 U.S.C. 7264(a)) is amended by
striking paragraph (3) and inserting the fol-
lowing:
‘‘(3) the validity of any determination, per-
mit, approval, authorization, review, or any
related action taken under any provision
of law relating to a gas transportation project
constructed and operated in accordance
with the Act is not affected by any provision
of law enacted after October 15, 2006; and
‘‘(A) subsection (a) of this section, the
蚬plemental Appropriations Act, 2006; and
‘‘(B) the Endangered Species Act of 1973 (16
U.S.C. 1531 et seq.);’’.

SEC. 13002. AUTHORIZED USES.—The Institute shall use only research, scientific or edu-
cational uses of the parcel conveyed under
paragraph (1).
(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property or personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, employees, contracting officers, lessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and
(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred by the United States in connection with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under subsection (b).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force, acting on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—
(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and
(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—
(1) IN GENERAL.—After the conveyance under paragraph (1), the Secretary of the Air Force shall, request of the Secretary of the Air Force, transfer to the Secretary of Energy administrative jurisdiction over the parcel of approximately 7 acres of land identified as “Parcel B” on the map, including any improvements to the parcel.

(2) ROYALTY OF IMPROVEMENTS.—In concurrent with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for the removal of any improvements on the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1355 of title 36, United States Code, is amended by adding at the end the following:

"§ 135514. Authorization of appropriations

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Corporation for operation and maintenance, advances against loan repayments, interest earned on amounts contributed as investments, and permanent funds for fiscal years 2008 through 2017.

(b) LIMITATION.—Any Federal funds made available to the Corporation, pursuant to section 135514, shall not be matched on a 1-to-1 basis by non-Federal funds."
There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY, EDGEBIER, MARYLAND

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum campus in Suitland, Maryland, to accommodate the terrestrial research program of the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2008 and 2009 to accommodate the Mathias Laboratory at the National Museum of Natural History, and construct laboratory and support space for the conservation and care of the natural history collections of the Smithsonian Institution.

(c) GRANTS.—The Secretary may award grants to States for the purpose of establishing and implementing partnerships with the Smithsonian Institution to:

(1) To State and local health and disability agencies for the purpose of:

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaboration efforts to maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEBIER, MARYLAND

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space at the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Barro Colorado, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $12,000,000 to carry out this section. Such sums shall remain available until expended.

The motion to lay on the table was agreed to.

LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there is 4 minutes equally divided between Senators Mikulski and Enzi.

Ms. MIKULSKI. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland is recognized.

Mr. ENZI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here, I found the way things happen, is if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Mr. ENZI. I think the Senator's time expired.

The PRESIDING OFFICER. The Senator's time expired.

Ms. MIKULSKI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here, I found the way things happen, is if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Ms. MIKULSKI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here, I found the way things happen, is if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Mr. ENZI. I think the Senator's time expired.

The PRESIDING OFFICER. The Senator's time had expired.

Ms. MIKULSKI. Madam President, first of all, I, of course, want to proceed in the spirit of comity. I lost my time because this place was so noisy. I couldn’t talk because everybody else was talking. Frankly, I will be happy for my colleague to speak, but I am going to ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Madam President, reserving the right to object, our side would like the additional 4 minutes, then, as well.

The PRESIDING OFFICER. Is there objection? The Senator from Maryland has asked for an additional 4 minutes. Is there objection to that request?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, can we amend the request to allow both sides to have an equal amount of air?

The PRESIDING OFFICER. Reserving the right to object, what will happen to floor time thereafter? Where many of us have time to talk about TARP later on, will we still have that time set aside prior to the TARP vote at 4:30?

The PRESIDING OFFICER. This will take an additional 8 minutes from the time that is allocated for the TARP discussion, prior to the vote that is scheduled at 4:30.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor at the current time.

Ms. MIKULSKI. Madam President, I may ask the Senator from Wyoming for the ability to ask an unanimous consent request. I do not want to drag out the debate, but I would like to make a few points. What I would like to be able to do, with your concurrence, is just ask for 2 minutes and just have a little bit of say, but you have your 4 minutes.
Mr. ENZI. Madam President, I ask unanimous consent that the Senator from Maryland get an additional 2 minutes and I have 4 minutes.

The PRESIDING OFFICER. Is there objection to each side receiving a total of 4 minutes, an additional 4 minutes from the Senator from Wyoming? It is the total of an additional 4 minutes on the debate on this matter. Hearing no objection, the Senator from Maryland is recognized for an additional 2 minutes and the Senator from Wyoming will receive 4 minutes at the conclusion of the Senator’s remarks.

Ms. MIKULSKI. I thank the Senator from Wyoming. That is the way we will proceed on this bill.

Madam President, we want to be able to proceed to this bill. I assure my colleagues we will have ample debate to consider any and all amendments, but I wish to be very clear that it is time to pass the Lilly Ledbetter bill itself. It is very important that we make sure we keep the courthouse door open for people to be able to file their claims where they believe wage discrimination exists.

Wage discrimination not only affects women, but it affects all who are discriminated against and it is often minorities. We want to be sure we keep the courthouse door open. What we do is simply restore the law as it existed before the recent Supreme Court decision so that we make sure the statute of limitations runs from the date of the actual payment of a discriminatory wage, not just from the time of hiring. That means employees can sue employers based on each discriminatory act.

I will be yielding the floor, but before I do I am going to say once again—this Senate is not in order. It has been very difficult as time goes on. The bipartisan task is only made more difficult as time goes on. The bipartisan commitment to allow that to happen. But I still believe we need to try to come to the right conclusion to make legislation better. We cannot write the law, in every cause of action, we do not allow their employees to learn how their compensation compares to their coworkers. Workers like Ms. Ledbetter and their families are the ones hurt by reduced paychecks, not their corporate employers. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on. I am going to vote for cloture on the promise that we will have an open debate on this issue and try to come to a conclusion.

The Senator from Wyoming makes a good point. For the future, I hope we will listen to what he is saying. Committees work around here. Committees are where you can do markups, where we work in a bipartisan way to make legislation better. We cannot write bills on the Senate floor. In the future, I hope all of us will work toward allowing the committee process to work. Today, we are going to take a leap of faith that we will have the amendments and that we will come to a good conclusion.

I yield the floor.

Ms. MIKULSKI. Madam President, I thank the Senator from Wyoming for his concern and his effort on the bill he has put together, I am going to express my strong support for S. 166, which is the Hutchinson alternative. It is our understanding that if we are allowed to proceed, there will be an open amendment process. I guess I am being asked by the Chairman to respond to that today. I wish to register my objection to the process we appear to be going through. I worked for 12 years to make this a more agreeable body, to work across the aisle.

We have moved, the HELP Committee—Health, Education, Labor, and Pensions Committee—from being the most contentious committee to being the most productive committee.

This bill should have gone through the committee process. We solve a lot of things, we shorten the debate on the floor, and we eliminate the need for all of these cloture motions which result in hours and hours of time with no productivity. I think the American people want the productivity, and the reasoning that comes from the committee process that winds up with a very good product. We can have that on the labor issues, but they have to go through committees.

I yield the remainder of my time to the Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Wyoming.

I think it is very important that we deal with this issue on the promise that I will be able to offer my substitute because I believe it is a substitute that gives the right for an aggrieved employee to bring an action within a timeframe that is reasonable for the business to be able to plan.

I am a person who has known discrimination. I am also a former small business owner, and I know the importance of knowing what your liabilities are and having clarity. That is why in the law, in every cause of action, we do have statutes of limitation.

I look forward to debating with my colleague and friend, the Senator from Maryland, to try to come to the right conclusion.

I yield the remainder of my time to the Senator from Wyoming.
Ledbetter decision goes against both the spirit and clear intent of title VII of the Civil Rights Act. It also 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.

As the executive director of the U.S. Women’s Chamber of Commerce recently noted, “The Fair Pay Restoration Act rewards those who play fair— including women business owners—unlike the Supreme Court’s decision, which seems to give an unfair advantage to those who skirt the rules.” This legislation will encourage all corporations to treat their employees fairly.

Unfortunately, this bipartisan civil rights legislation was filibustered in the last Congress. Considering how deeply the recent economic downturn has affected American families, we cannot afford another filibuster of this bill. It is essential to pass this legislation.

This legislation would have voted “nay.”

Senator from Massachusetts (Mr. KENNEDY) called for up to 5 minutes, and others in pressing for the immediate passage of the Lilly Ledbetter Fair Pay Restoration Act of 2009.

The PRESIDING OFFICER. The closure motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOSURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 14, S. 181, the Lilly Ledbetter Fair Pay Act.

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Diane Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it in the sense of the Senate that debate on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act of 2009, shall be brought to a close? The yes and nays are mandatory under the rule. This is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. KENNEDY) are present.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted “nay.”

The yes and nays resulted—yes 72, nays 23, as follows:

Mr. WYDEN. Madam President, the outdoors is a great passion for the people of Oregon, and it is truly a good day for Oregonians. The Omnibus Public Land Management Act contains protection for a number of our special places, our treasures; in the case of Mount Hood, an Oregon icon that is revered by our people.

I serve as chairman of the Subcommittee on Public Lands and Forestry. I know how important these public lands bills are. The fact is, they are of special benefit from a moral perspective. What we are doing is guaranteeing that these beautiful lands can be passed on to future generations. But they also help fuel our economic engine. The reality is, the protection for the great outdoors boosts our effort to promote recreation which is increasingly a major source of employment.

To take this journey into Oregon: More people discuss the five pieces of wilderness legislation I was heavily involved in. Many other Oregonians were as well. Countless Oregonians. I also give special thanks to Senator Gordon Smith who contributed mightily to this effort, working with me on this legislation and this package for many years.

The legislation passed includes seven key bills I sponsored. The five that add wilderness include: the Lewis and Clark Mount Hood Wilderness Act of 2007; the Copper Salmon Wilderness Act; the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act; the Oregon Badlands Wilderness Act of 2008; and the Spring Basin Wilderness Act of 2008.

The Lewis and Clark Mount Hood Wilderness Act has been the product of years and years of work to protect a cherished State treasure. More people take pictures of Mount Hood than any other landmark in our State. That is saying something, because Oregon has a lot of breathtaking nature to photograph.

Mount Hood is not just a symbol of our State. It is a monument to the deep connection our people have to their land. This bill is a triumph of environmental protection that wouldn’t have been possible without an effort to build a statewide consensus bringing together thousands of constituent community groups and elected officials who said: We are going to keep fighting for this until Mount Hood gets this added measure of protection.

Our legislation builds on the existing Mount Hood wilderness, adds more Wild and Scenic rivers, and creates a recreation area to allow diverse opportunities for recreation. We protect, under the bill, the lower elevation forests surrounding Mount Hood and our special Columbia River Gorge. The protected areas include scenic vistas, almost 127,000 acres of wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on 9 free-flowing stretches of river to the National Wild and Scenic River system.
I have a picture of the mountain that illustrates why we Oregonians feel so strongly about wilderness and Mount Hood. Richard L. Kohnstamm, long revered as the crusader who restored the jewel known as Timberline Lodge, is shown here under the protection of the mountain. My friend Dick Kohnstamm treasured the wildness of Mount Hood and had the vision of bringing national prominence to Alpine sports on the mountain. Under Dick's guidance, Timberline Lodge was the first ski area in our country to become a National Historic Landmark and to have the Nation's first year-round skiing. We are honored today to name the area in this picture the Richard L. Kohnstamm Memorial Area. It is a fitting legacy to an Oregonian who had remarkable foresight. In public meetings in our State and in letters and phone calls, we heard from over 100 community groups and local governments, from members of our delegation, the Governor and the Bush administration. To say that this has been a labor of love for many would be a gross understatement.

As I have indicated, countless organizations, agencies and interested groups have met to discuss the development of this bill. I want to clarify that wildness on Mount Hood is very important. It is also important to acknowledge that Highway 35 is an important transportation corridor connecting Interstate 84, the communities of Hood River County and the Columbia River Gorge to the recreation areas on Mount Hood and US 26. It is part of the National Highway System and a designated freight route as well as a highway facility of statewide importance—the highest designation in Oregon's highway classification system. Highway 35 runs adjacent to the East Fork of the Hood River, which will be protected as a Wild and Scenic Rivers. The Wild and Scenic Rivers designation recognizes the outstanding scenery, recreational opportunities and fish runs of the East Fork of the Hood River. During winter storms when events require emergency repairs to the road, the designation of the East Fork of Hood River is not intended to impair the ability of the State of Oregon to take necessary steps to operate, maintain, or preserve the state highway in accordance to all environmental, safety and legal requirements.

The protections here help ensure that the Spring Basin Wilderness Act of 2008 would designate approximately 8,600 acres as the Spring Basin Wildness and designates 9.3 miles of Wild and Scenic rivers. Copper Salmon is one of those places that crystallizes Oregon's reputation for its outdoor paradise. This bill gives crucial protection to the area's wildlife and to the prized salmon and steelhead that attract anglers from across the world. During the last decade, a dedicated group of local conservationists, fishermen, and community leaders have worked passionately to protect this area. It is one of the last intact watersheds on the south-west Oregon coast. It is a very special treasure. Fishermen and hunters are going to come to the Copper Salmon area for generations to come. I am thrilled it has been protected.

Finally, I am pleased to join former Senator Smith on legislation to establish a 23,000-acre Soda Mountain Wilderness Area. This bill gives crucial protection to the Soda Mountain. It also provides for two land exchanges that will benefit the new wilderness. I would like to specifically provide some background regarding the land exchange with the Central Oregon Irrigation District. The district is an exemplary steward of natural resources in Oregon. Established in 1918, COID provides irrigation water to over 9,000 families across 45,000 acres of productive land in Central Oregon's Deschutes Basin. The district conveys water to farmers, ranchers, schools, parks and others in the cities of Bend and Redmond.

The new wilderness area is adjacent to roughly 3.5 miles of canals and laterals owned and operated by the district under an 1891 Federal right of way. As I understand it, this right of way extends 50 feet from the toe of the canal levee to the north and south. This essential right of way provides the district with access to the canals and conduits, maintenance improvements, and emergency repairs. The language in section 1704(e)(3) protects the district's existing rights to the canal, including the rights provided under the 1891 right of way. During our development of this legislation, the boundary of the wilderness area was specifically set back to respect this historic and important right of way.

The Spring Basin Wilderness Act of 2008 would designate approximately 8,600 acres as the Spring Basin Wilderness. Overlooking the John Day Wild and Scenic River, the cliffs of Spring Basin are famous for their burst of color during the spring wildflower bloom. It boasts canyons and diverse geology that draws more hikers, horseback riders, hunters, and other outdoor enthusiasts.

Also among the bills in this comprehensive legislation is the Copper Salmon Wilderness Act. My bill on this issue protects the headwaters of the north fork of the Elk River. It is a gem known as the Copper-Siskiyou area. It adds 13,700 acres of new wilderness and designates 9.3 miles of Wild and Scenic rivers. Copper Salmon is one of those places that crystallizes Oregon's reputation as an outdoor paradise. This bill gives crucial protection to the area's wildlife and to the prized salmon and steelhead that attract anglers from across the world. During the last decade, a dedicated group of local conservationists, fishermen, and community leaders have worked passionately to protect this area. It is one of the last intact watersheds on the south-west Oregon coast. It is a very special treasure. Fishermen and hunters are going to come to the Copper Salmon area for generations to come. I am thrilled it has been protected.

Finally, I am pleased to join former Senator Smith on legislation to establish a 23,000-acre Soda Mountain Wilderness Area. This bill gives crucial protection to the Soda Mountain. It also provides for two land exchanges that will benefit the new wilderness. I would like to specifically provide some background regarding the land exchange with the Central Oregon Irrigation District. The district is an exemplary steward of natural resources in Oregon. Established in 1918, COID provides irrigation water to over 9,000 families across 45,000 acres of productive land in Central Oregon's Deschutes Basin. The district conveys water to farmers, ranchers, schools, parks and others in the cities of Bend and Redmond.

The new wilderness area is adjacent to roughly 3.5 miles of canals and laterals owned and operated by the district under an 1891 Federal right of way. As I understand it, this right of way extends 50 feet from the toe of the canal levee to the north and south. This essential right of way provides the district with access to the canals and conduits, maintenance improvements, and emergency repairs. The language in section 1704(e)(3) protects the district's existing rights to the canal, including the rights provided under the 1891 right of way. During our development of this legislation, the boundary of the wilderness area was specifically set back to respect this historic and important right of way.
January 15, 2009

CONGRESSIONAL RECORD — SENATE

S561

are going to come to the table from every walk of life—urban and rural, environmentalist and rancher—to say that as a State it is extraordinarily important that we protect our treasures for future generations, and we can do it in a way that will also boost our economic engine at a time when so many Oregonians are hurting and having difficulty paying the bills for the essentials.

I was very proud to have been the lead sponsor of these seven pieces of legislation. But the fact is, the real credit goes to thousands and thousands of Oregonians who pitched in from every corner of the State for years and years, working with myself, with Congressman WILSON, Congressman BLUMENAUER, and colleagues from the other body. Of course, I recognize Senator SMITH’s contribution this afternoon.

Today, Oregonians have something to enjoy, and they can particularly reflect on the fact that so many future generations of our citizens will have something to be able to enjoy in the years ahead.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I would like to speak on the joint resolution that is before us. I would like the Presiding Officer to let me know how much time is available.

The PRESIDING OFFICER. The Senator 10 minutes.

Mr. CORKER. OK, Madam President, I wonder if the Chair might let me know when 120 seconds is left.

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

Mr. CORKER. Thank you, Madam President.

I rise today to talk about a very important vote that will take place this afternoon. It is regarding the TARP fund. We have people in our country who have come to know it as the financial rescue package, the bailout—a number of different terms. I was a supporter of TARP funding, and based on the information we had at the time, I think that vote I made regarding supporting funding to credit markets was a good vote.

This afternoon, we are going to vote on the next tranche of that funding, the next level, another $350 billion in funding.

Let me just say that I have great respect for those who are coming in this new administration. I have spent a great deal of time—based on the time allotted—talking to Larry Summers. I appreciated the dialogue we had last night as a caucus with Rahm Emanuel and Mr. Summers. I spent time talking with Tim Geithner. It is my belief that should he make it through the process of being confirmed, we have a team of people here who I think will be very responsible and will serve our country well. I look forward to working with them in every way I can.

I believe the credit issue, along with the issue we have of housing, is the 90-percent issue our country is dealing with today economically. As a matter of fact, as we look at economic stimulus issues, to me, much of that, candidly, is window dressing. Most of that is wasteful. Most of that is unnecessary. And many things we will do nothing whatsoever to stimulate this economy are based on the things that have been put forth today. The credit issue, though, is, in fact, in my opinion, the 90-percent issue we need to solve as a country to right the economy. That, combined with doing what is necessary so that housing is stabilized, is of utmost importance.

So that puts me in a very big dilemma today as it relates to this vote at 4:30. We have had several months now to understand what is happening in the credit markets and to understand what the problem is. I know our Secretary today, the Secretary of Treasury, Mr. Paulson, has, in many ways, had to go about this in an ad hoc fashion. But he did get through it. He had to make decisions that were not made up. He had to move through it. He had to make decisions and try to solve problems as he saw them.

But now, today, several months later, we have a more full understanding of the problem. The issue I have today with this vote—and I urge the incoming administration to solve this problem before the 4:30 vote—is if I would like for them to tell us, to diagnose the problem, to tell us what the problem is in our credit markets and then to tell all of us what they are going to do with the $350 billion that is now being sought. I know they are not yet in office. I have had very good conversations with them. But I do think it is incumbent upon them to tell us what the problem is and how they are going to solve it.

I think there are hundreds of billions of dollars of losses left in our banking system. If you add this trillion, it exceeds $1 trillion. The problem is that most banks in our country that hold whole loans—not the derivatives that are market to market but whole loans—are sort of metering out their losses. Each quarter, they write down just a little bit more based on the loan losses they are seeing in a particular category. They know hundreds of billions of dollars are coming, and what they are doing is taking our U.S. taxpayer money, in combination with the fact that regulators are on the ground, both at the FDIC and the OCC—again, well-intentioned people who are creating a self-fulfilling prophecy in our States by virtue of the fact that they are forcing banks to do things that are not in the best interests of this economy.

So let me say, I want to support solving this credit problem. I want the administration to come forth and explain to us, as a country, what they think is happening. I do not think you can just say, as a country, we are in this period of time where basically U.S. tax dollars are, in many ways, being frittered away because we are investing in these companies, and then they are using those because they know of the losses that are coming. So I would like for the administration to state that they know that, and I would like for the administration to come forth with a plan that predication that is going to be with us for many years. I want to work with them. Whether I vote this afternoon for TARP or not—and unless they come forward publicly—it does not even have to be done legislatively, if they will come forth publicly and define the problem and tell us how they are going to spend the money, it is possible I will support this. I want to work with them in this regard. I hope that will be forthcoming.

We spent a lot of time on the automotive debate. All of us came together, and we diagnosed the problem. We laid out what the problem was, and we actually put forth a solution. We debated the administration not being involved. He did not get it done. But the fact is, the American public and all of us in the Senate understood what that problem was, and then we talked about a precise and prescribed way of solving that problem. That is exactly the thing that needs to take place as it relates to this issue.

One of the things I think we have to understand as a country: There is going to be less lending. Trying to force people to make loans in a climate of fear, with a system that is not responsible is not responsible. The fact is, there needs to be less lending, which brings me to the next point. We have to acknowledge in this country that many banks are going to fail. Many banks are unnecessary. One of the greatest failings of what has occurred over the last several months—and I say that with no criticism but just as an observation—is that we are unwilling to let bad banks fail. Because of what we are doing today, we again are wasting taxpayer money, in that the fact that regulators are on the ground, both at the FDIC and the OCC—again, well-intentioned people who are creating a self-fulfilling prophecy in our States by virtue of the fact that they are forcing banks to do things that are not in the best interests of this economy.

So let me say, I want to support solving this credit problem. I want the administration to come forth and explain to us, as a country, what they think is happening. I do not think you can just say, as a country, we are in this period of time where basically U.S. tax dollars are, in many ways, being frittered away because we are investing in these companies, and then they are using those because they know of the losses that are coming. So I would like for the administration to state that they know that, and I would like for the administration to come forth with a plan that predication that is going to be with us for many years. I want to work with them. Whether I vote this afternoon for TARP or not—and unless they come forward publicly—it does not even have to be done legislatively, if they will come forth publicly and define the problem and tell us how they are going to spend the money, it is possible I will support this. I want to work with them in this regard. I hope that will be forthcoming.

We spent a lot of time on the automotive debate. All of us came together, and we diagnosed the problem. We laid out what the problem was, and we actually put forth a solution. We debated the administration not being involved. He did not get it done. But the fact is, the American public and all of us in the Senate understood what that problem was, and then we talked about a precise and prescribed way of solving that problem. That is exactly the thing that needs to take place as it relates to this issue.
Mr. CORKER. One hundred twenty seconds. Thank you.

I think this probably will pass this afternoon. Again, I am hoping that over the next 3 hours this administration will come forward and say publicly the things that I have asked to say to be said and not criticize them if they do not. I just need to know what we are going to do on behalf of the taxpayers I represent in the State of Tennessee.

But I want to say to them that even if things today and they continue on the route we have been, I know they are going to come back. They are going to come back and they are going to ask for more money because on the route we are going right now, we are not going to solve the problem and it is going to continue. This is what I think will occur.

What I want to say to them—to the new President, who will be sworn in next week, to Larry Summers, to Tim Geithner, to Rahm Emanuel, to all involved, is to work with you when you come back. I want to work with you with legislation that analyzes the problem and diagnoses it and puts in place a prescription to solve the problem.

I am hoping over the next few hours that will occur. If it does not, I am one Senator who stands ready to work with this administration that has very capable people in place to solve what I believe is the most major issue affecting our economy, and that is credit and that is housing.

Madam President, thank you for your courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I am thankful Senator CORKER is with us. He has involved himself in these matters. He said something I truly believe: that we have not been told what the problems are and what kind of plan really exists to fix the problem. That is the difficulty we are facing. We have not had that kind of honest assessment from President Bush’s administration, and we have not had it under President-elect Obama’s administration. I think a lot of that is because they do not know, and a lot of it is because they are things that cannot readily be fixed.

The credit problem is the No. 1 problem. Some people say that the economy is like this big interstate, and the problem we had last October was 18-wheelers blocking the interstate, and if we could just get that aside and open the free markets again, everything would be OK. But that was not the problem. The problem was, as Senator CORKER indicates, much bigger than that. Fundamentally, there was a housing bubble, fueled by Government-sponsored programs and low-interest rates and a lack of discipline with respect to lending and the sale of mortgage-backed assets. And this lack of discipline sort of hid the danger in those transactions. That was the problem. So when these houses started adjusting downward in value, because they were too high—how many people did you know who could not afford a house?

They were going up two and three times the rate of inflation, two and three times the increase in gross domestic product. So prices were going up. That was unsustainable, yet everybody acted as though it would never fall. But it fell.

I remember in the early 1980s when President Reagan worked us through that recession. We had to foreclose on farms and land, and savings and loans—which were a big part of our real estate lending market at that time—failed right and left. But we took our hurts. We worked our way through it and created a foundation, with Mr. Volcker as the Federal Reserve Chairman, for 25 years of growth and progress. We did go through a period in which the dot-com bubble burst, and a lot of those markets have not yet recovered from that period in the late 1990s.

So I guess what I am saying, first of all, is this is a very difficult problem, but it is one we can work through. In the course of it, we have to ask ourselves: how do we solve it, and we need our governmental leaders to tell us precisely how the legislation—and the money our American citizens allow them to utilize—will make it better. That has not been done. So we are talking to get the release of $350 billion in troubled asset funds.

This is the centerpiece of the Wall Street bailout. It was rushed through last fall in a season of panic. Many people didn’t know what to do. We had the Secretary of the Treasury telling us if we didn’t pass this and give him maximum flexibility, this economy could hit a depression, and that terrified everybody. I think the fear engendered by all that rhetoric is still a factor in slowing our recovery. But anyway, that is what happened.

I didn’t vote for it last fall. I felt it wasn’t properly presented. I didn’t feel good about it. I didn’t like buying these types of assets, these bad mortgages. Though it presented some plausible basis for a good program, I wasn’t sold. I didn’t vote for it. I am glad I didn’t.

Now that it has been enacted, we have had a great amount of time to actually test how the program has worked so far. I think we should have had more hearings. We should have called in more experts. I think the new administration should have a more open discussion of the real problems out there—which I will admit the predecessor Bush administration didn’t do either—and tell us what is going on and why we have to go forward with this.

I think it is pretty plain—and most people say that out of the $700 billion from the first $350 billion in this package. That is little disputed, although the argument is difficult to contend with when they say: Well, it might have gotten worse if we hadn’t thrown $350 billion at it. Of course we don’t know what might have happened. But I want to know why we haven’t had more congressional hearings, more public discussions of what is going on and how we need to fix it. Are we afraid of something? Why won’t we take more time to discuss this?

An article in the Wall Street Journal talked about the difficulties we are facing—actually, on the front page—and the article quoted one financier as saying well, it is nice we have helped some—this first bailout.

Then he said:

Nobody yet has any idea how much permanent damage may have been done to the structural underpinnings of the U.S. and global capitalism.

Well, I couldn’t agree more. We don’t know how much damage we have done in this adventure.

The passage last fall of the TARP plan, which gave to a single, unelected official of the executive branch virtually complete authority to dispense $350 billion—maybe $700 billion, if he receives it—as he alone saw fit and sees fit, I think, has to be considered one of the, if not the, greatest abdications of the structural and fiscal responsibilities in our Nation’s history. Seven hundred billion dollars is the largest expenditure in the history of the Republic. I know we are going to get some of that back; how much I don’t know. Right now, Congressman Stupak and Congresswoman Bucher says we are going to lose about $200 billion of it—maybe more—but we committed $700 billion without even knowing how it was going to be spent.

So if my colleagues will remember, we were told we were going to spend that money to buy bad mortgages, take them off the books of the banks and make them able to lend money. At the House hearing, someone asked Secretary Paulson: What about buying stock in a bank? He said: Oh, no. We don’t want to buy stock. We have a plan. One thing he told us that was truthful: He wanted maximum flexibility. So when that bill was written, it gave him the ability to do virtually anything with that money, including bailing out individual manufacturing companies such as the Big Three, which he eventually approved out of that money. So within a week after flatly rejecting the idea that he would buy stock in private companies, private banks and insurance companies, the Secretary announced that is exactly what he was going to do.

He called them in and some didn’t even want to participate with the Government program, but he thought if they didn’t participate, it might look as though they were a healthier bank than somebody else’s bank, and he twisted their arms and virtually insisted they participate in the program.

Then we put $100 billion into an insurance company—BIG—competing against other American insurance companies that operate on a sound basis—because they got involved
in these speculative swaps, credit swaps, and buying these types of assets and using them as collateral. So it is a difficult thing to know where we are, but it showed two things. I don’t think Secretary Paulson deliberately misled Congress, although I believe he knew when he got the maximum flexibility he might buy stock one day. I can’t believe he wasn’t aware he had the possibility of doing that. But I think, fundamentally, they don’t know what to do with the money because there is no certainty that a viable mind of the guy who flew into the hurricane off the Gulf Coast where I live and he threw out dry ice and he thought he could cool off the hurricane and stop the hurricane. So now we have the Secretary of the Treasury getting $700 billion, and he thinks he can get in there and stop the financial hurricane by throwing money around. As steward of the taxpayers’ money, we need more than that. Yes, Congress has the power of the purse, but I would suggest to my colleagues that power is more than a power; it is fundamentally a responsibility. It is a duty to ensure that when we allocate money, we know where it is going and that we have a reasonable expectation of success.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair and ask unanimous consent for 2 additional minutes.

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

Mr. SESSIONS. Madam President, I will conclude by saying the buying of stock and the government’s direct involvement in the economy has ramifications. The Wall Street Journal had an editorial: “Treasury to Ford: Drop Dead.” They loaned General Motors’ financial arm, GMAC, billions of dollars. The next day, GMAC is offering zero percent loans to encourage people to buy GM products, while poor Ford, which is getting by and not asking for any money, is losing competitive advantage. That is our problem.

There was an article in USA TODAY that said that a nation founded on excessive personal debt, excessive Government debt, and a sustained, large trade deficit is not a healthy economy. We all know that. We are going to have to adjust. This economy is going to have to adjust. Housing prices may fall somewhat longer, but they will bottom out sooner. We will come out of this downturn. The projections I have seen by CBO and the Obama administration officials tell us that we are not going to have a recession as steep and as deep as the one in the early 1980s.

I think we have to be far more responsible in ensuring that these huge sums of money—$700 billion total, which exceeds the 5 years of the Iraq war’s $500 billion in expenditures—are wisely done, are necessary, and will actually improve the situation we are in today. So, therefore, I cannot support the further release of funds today.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, in a few very short moments—I think within 5 minutes or so—we are going to be welcoming a new Member to this Chamber and we will certainly take time out to do that. I believe Mr. Durbin, the senior Senator from Illinois, wishes to be heard to speak about our new colleague as the swearing-in ceremony will take place at 2. So we will take a little time out for that—I don’t think much time—and then I know my friends on the other side have lined up a number of speakers on the TARP program, and we are certainly going to accommodate that. I think all their time has been accounted for already, so we will have to make sure of the resources there. I have a number of requests on this side of the aisle as well to be heard on this very important matter before the vote occurs at 4:30.

Let me say in the few moments before the leaders arrive to welcome our new colleague from Illinois, new Senator-elect Burris, that this is obviously a very important debate that we are having regarding these so-called TARP funds. I don’t know of a single Member of the Chamber who will not care about the vote on this matter, who likes being here for this debate or believes that this is something they wish they were doing at this hour. I certainly don’t. I have been involved tirelessly with this notion, or these hours of talks. As we all know, we are going through a dramatic situation in our country. To put it in numbers terms that are more understandable, 17,000 people in our Nation are losing their jobs every day. Nine thousand to ten thousand people are losing their homes every day in America. We saw the numbers of unemployment in the months of November and December; I think some 500,000 jobs in that month alone. Every indication is that the coming months are going to give us equally bad news on that front. We hear more bad news about lending institutions, financial institutions that are in trouble. So, obviously, these are fragile times, to put it mildly, for our Nation...

Yet, at the same time, within a matter of hours, almost within a few feet from where I speak, we are going to be inaugurating the 44th President of the United States, an individual who has given this Nation—in fact, many beyond our borders and shores—a great sense of renewed hope, a renewed sense of optimism about our country and its future. So the timing, in many ways, couldn’t be better for this new President arriving, a new team coming to town, determined to do everything they can to get our Nation back on its feet again.

So this debate is not just any other debate. This is a debate that will give this new President the chance all of us want him to have to get our country moving in the right direction. So at an appropriate time, at the conclusion of the swearing-in ceremony of our new colleague, I will take additional time to talk about this issue, the importance of it, the regrets I have about why we ended up where we are but also why I think it is critically important we move forward at this very important moment.

With that, I see the distinguished majority leader is here and I will yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. (Mr. Nelson of Nebraska) The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. (Mr. Nelson of Nebraska) The vote on this matter will be taken at the conclusion of the remarks of the Senator from Connecticut.

Mr. SESSIONS. Madam President, I yield the floor.

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment and related credentials to fill the vacancy created by the resignation of former Senator Barack Obama of Illinois. The certificate and credentials, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the certificate and credentials will be waived, and they will be printed in full in the RECORD.

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

STATE OF ILLINOIS
Executive Department
Springfield, Illinois
CERTIFICATE OF APPOINTMENT AND CREDENTIALS
To the President of the Senate of the United States:
This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Rod R. Blagojevich, the Governor of said State, do hereby appoint Roland Burris a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Barack Obama, is filled by election as provided by law.

Witness: His excellency our governor Rod R. Blagojevich at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

ROD R. BLAHOJEVICH, Governor.

STATE OF ILLINOIS
Executive Department
CERTIFICATE
To All To Whom These Presents Shall Come,
Greetings:
I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the attached is a true and accurate copy of a certificate of appointment made by the Governor of the State of Illinois and duly filed in the Office of the Secretary of State of Illinois.

In testimony whereof, I hereto set my hand and cause to be affixed the Great Seal of the
States of Illinois. Done at the City of Springfield, January 9, 2009.

Jesse White,
Secretary of State.

[State Seal Affixed] 

STATE OF ILLINOIS 
Executive Department 
Springfield, Illinois 

CERTIFICATE OF APPOINTMENT 

To the President of the Senate of the United States: 

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Rod R. Blagojevich, the governor of said State, do hereby appoint Roland Burris a senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Barack Obama, is filled by election as provided by law.

Witness: His excellency our governor Rod R. Blagojevich, and our seal hereto affixed at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

Rod R. Blagojevich,
Governor.

FILED

INDEX DEPARTMENT

JAN 09 2009

IN THE OFFICE

SECRETARY OF STATE

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. BURRIS, escorted by Mr. DURBIN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, there are many paths to the Senate. It is fair to say the path that brought our new colleague from Illinois to us was unique, and that is an understatement.

Whatever complications surrounded his appointment, all of his statements and actions, again both publicly and privately, reflected a strong character that will serve him well as he begins his service for the people of Illinois.

I also say to my friend, Dick Durbin, the senior Senator from Illinois, how much I appreciate working with him on this and the other matters we have worked on over the years. We have been in Washington together going back a long time, 1982. The people of the State of Illinois have been so well served by so many different people. I am confident that when the history books are written, even though Illinois has had its share of the best of the best, my friend Dick Durbin will be right there with them.

So to Senator Burris, on behalf of all Senators, Democrats and Republicans, we welcome you as a colleague and as a friend.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I first thank the majority leader for his kind statements. He is, indeed, more than just a colleague. For 26 years, we have worked on Capitol Hill together, and never more closely than the last 6 when I have had the honor to serve as his assistant as the Democratic whip. He is truly a great public servant, not only for the State of Nevada but for the entire Nation.

This was a test for us because we were all absolutely stricken by the news that the Governor of the State of Illinois was being arrested and under the circumstances which all America knows.

The response by the Senate was to say to this Governor: No Senate seat is ever for sale, and we are going to uphold the integrity of this institution, even though some may try to sully that integrity.

Senator Reid is right, throughout the stormy weeks that followed, I do not recall a single negative word spoken by anyone in the Senate or any of ROLAND BURRIS's former colleagues about him. You can search the record. Everything said about ROLAND BURRIS was positive. The circumstances that led to his appointment were the issue, the source of the controversy.

The controversy came to an end on Monday. The Secretary of State Jesse White filed a new document after the Illinois Supreme Court ruled. The Secretary of the Senate ruled that this new document complied with the rules of the Senate. The controversy came to an end.

At that point, we were ready to move forward. I can recall phone conversations with him over the weekend telling him that things were moving in the right direction, and if he could be patient because they were coming to a good end; the ruling of the Secretary of the Senate could make all the difference.

Now we have this glorious day when so many of his friends from Illinois are here to witness his being sworn in by Vice President Cheney, and now he has left the floor for a few moments for the ceremonial oath that is going to be given in the Old Senate Chamber.

While he is away, I want to say a word about my old friend, ROLAND BURRIS. He literally has been my friend for over 50 years. In 1953, when we were both brand new to this business, I ran for lieutenant governor for Illinois and he ran for comptroller. Nobody had ever heard of either of us or the offices we were running for. We were as obscure as possible, but we found kindship standing in the back of parade routes as the bigwigs in the front line went on. We struck up a friendship, a friendship that has extended over three decades. And it is a friendship that is based more on just that happenstance of running in the same year. You see, ROLAND and I are from the same part of Illinois. ROLAND BURRIS was born in Centralia, Illinois, a few miles away from my hometown of East St. Louis, Illinois.

But there is more to the story. That is one of the central parts of our Nation when it comes to railroads. I come from a railroad family—my mother, my father, my two brothers, and I all worked for the New York Central Railroad. ROLAND BURRIS's family were railroad workers as well. His father Earl ran a small grocery store to supplement his income as a laborer for the Illinois Central Gulf Railroad. Earl Burris, ROLAND's father, had a strong sense of community and a sense of tolerance for injustice. On Memorial Day 1953, Earl Burris decided to take a stand against injustice by defying Centralia's unofficial "whites only" policy for the city's public swimming pool. So he hired a lawyer and arranged for that lawyer to meet him and young ROLAND, then 16. They were all going to go to the swimming pool. Well, guess what. The lawyer didn't show up.

ROLAND BURRIS later said that he remembered his father's all-lowercase saying that if segregation and injustice were ever going to end, people needed to show up and be accountable. By the end of the summer, 16-year-old ROLAND BURRIS had made up his mind he would show up. He would pursue a career in politics and the law. So off he went to Southern Illinois University, at Carbondale, which incidentally has a record of being one of the most productive colleges in America for the graduates of African-American students. In 1963, he earned a law degree from Howard University. That same year, he became a Federal bank examiner at the U.S. Treasury Department—the first African American ever to hold such a position. In 1964, he joined Continental Illinois National Bank, where he rose to the post of vice president in less than a decade. He is a past national executive director of Operation PUSH.
In Illinois, the land of Lincoln, we have elected more African Americans statewide than any State in our Union, and we are proud of it. But it is Roland Burris who led the way in 1978, as our first African-American State comptroller and later as the first African-American attorney general in that land of Lincoln, State of Illinois. Roland Burris paved the way for so many to follow, including the man who will be sworn in as President Tuesday—Barack Obama. He has held two of our State’s highest elective offices. He was Illinois’ first African-American comptroller as well as our first African-American attorney general.

Roland Burris is a good man and a dedicated public servant, and that is why he has returned to public life. Now he is the 48th Senator from the great State of Illinois, and the 1,907th person ever to be sworn into this distinguished body.

Here is an interesting fact as well. Roland and his wife Berline live on the south side of Chicago in a home once owned by the great, the immortal Mahalia Jackson, the original “Queen of Gospel Music.” In 1948, Mahalia recorded a song that became so popular music stores couldn’t keep it in stock. It sold 8 million copies. The title of that song was “Move On Up A Little Higher.”

For more than 50 years, Roland Burris has sought to move up a little higher—not for his sake alone but for the chance to help others, including our great State of Illinois. I congratulate him. I know this was a rocky road to this great day in his life, but it was a road well traveled and one that I am sure will lead him to appreciate how important this institution is, not just as part of our government but as a part of our future.

He is going to have a chance to not only serve as my colleague but as the colleague of 99 other Senators who are going to work with him and learn the values and talents that he brings to the job. I am honored today, by his being sworn into office, to no longer be both the senior and junior Senator from Illinois. We have a junior Senator—his name is Roland Burris—and I look forward to serving with him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—Continued

Mr. DURBIN. Mr. President, I ask unanimous consent that all time be taken equally from both sides, as I know we are under limited time for the debate on the TARP renewal.

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

Mr. DURBIN. Again I renew the request for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, would the Chair be so kind as to advise me when I have used 7 minutes?

The PRESIDING OFFICER. The Chair will so advise.

Mr. COBURN. Mr. President, we have before us today a hallmark piece of legislation that is supposed to be about credit and liquidity and the significant problems we face in this country when we no longer had a functioning, or barely had a functioning financial industry that allowed credit to flow which would allow commerce to ensue.

It was more relief at the time, based on what I was told and what I saw, that extraordinary measures were going to be required for us to handle this significant problem. Consequently, I ended up voting for a financial recovery package that I must say has been handled in a way completely opposite of the way we were told it was going to be handled. That is now water under the bridge. The question before us today is: Are we going to give another $350 billion—not through an oversight process, through an appropriating process—are we going to write a blank check to the Treasury Department to accomplish again what we are assured by the transition team and the incoming administration is for very specific things?

I would like to believe that. As a matter of fact, in a meeting yesterday with some of the officials of the incoming administration, I asked in a closed room where they were giving us this reassurance that this administration was not going to put more money into the auto industry under the pretext it has been done using the TARP funds; that this administration was not going to use this money for other industrial segments of our society but in fact would use this money only when and if it is necessary to keep liquidity rolling, to keep banks’ balance sheets to the point where we can accomplish what we need in order to have true commerce in this country. And I must say that I felt somewhat reassured walking out of that meeting.

But one of the things I asked for in that meeting was a public statement so that the rest of America could have that same assurance. We find ourselves today, getting into this and that was communicated very directly, by the way, with some of the highest levels of the incoming administration—we are about to vote on it, yet there has been no public statement whatsoever that would assure either Members of this body or the American taxpayers that we are not going to be using it to bail out companies that are not competitive and have not had to do good things themselves to be competitive; we have no assurance we are not going to go to other industries and do the same thing; and we do not have, in fact, a public expression, an explanation, or a letter of intent by the incoming administration that they are going to use it in a very precise and direct manner to maintain liquidity of the financial sector.

The other thing that we have not heard, along with maintaining that liquidity, is how the administration will handle the toxic assets, which is what we were told the money was for in the first place.

So I come to the floor this afternoon wanting to support our new President, I want to support him. I talked to him about this issue prior to his senior staff coming and talking to us. But I find myself in the predicament of having been fooled once by the present administration and I don’t want to be fooled again.

I want to support him. I talked to him yesterday afternoon in the meeting with those representing President-elect Obama—is that they do not want to commit. And I regret to say that if the incoming administration won’t commit on paper and publicly as to how they are going to use this money, I am disinclined to vote to give it to them. That pains me, because I am part of our new government to be tremendously successful in the face of all the problems we have.

To meet the goal of transparency and accountability—which is what this new administration is all about, and I believe it will be far greater than what we have seen in the past; I will give them credit for that—it is required that they publicly tell the American people how, when, why, and what they are going to use this money for. And my only conclusion would be, in the face of that statement not being forthcoming—that is what we asked for yesterday afternoon in the meeting with those representing President-elect Obama—is that they do not want to commit. And I regret to say that if the incoming administration won’t commit on paper and publicly as to how they are going to use this money, I am disinclined to vote to give it to them. That pains me, because I am part of our new government to be tremendously successful in the face of all the problems we have.

To meet the goal of transparency and accountability—which is what this new administration is all about, and I believe it will be far greater than what we have seen in the past; I will give them credit for that—it is required that they publicly tell the American people how, when, why, and what they are going to use this money for. And my only conclusion would be, in the face of that statement not being forthcoming—that is what we asked for yesterday afternoon in the meeting with those representing President-elect Obama—is that they do not want to commit. And I regret to say that if the incoming administration won’t commit on paper and publicly as to how they are going to use this money, I am disinclined to vote to give it to them. That pains me, because I am part of our new government to be tremendously successful in the face of all the problems we have.
that the significant questions about management and oversight are adequately addressed. In terms of need, let’s be clear. I do not dispute that further Government resources and actions will likely be needed to address the ongoing economic downturn.

Unfortunately, as I said, this is not the case. I cannot support this next tranche. I am troubled by Government intervention, and economic experts, the oversight body. Auditors have questions, and I have questions.

I said in December, the Treasury must account for the $350 billion and make the change that the action has aided our economic recovery efforts. Taxpayers were promised transparency. They deserve answers. But after Congress authorized the funds, the Treasury Department abruptly changed course and instead provided billions of dollars in direct capital injections into banks without any requirement that they write down bad debt. To date we do not have any answer why the change was made. Perhaps the Treasury realized it could not operate efficiently. Perhaps it was because the Europeans had adopted a direct capital injection approach. But we do not know.

The change is not as important as is the explanation and justification. The change in strategy could have been more acceptable if Congress and the public understood what reasonable assurances there were that there was a coherent structure. Unfortunately, the Treasury has not provided concrete evidence or information that the capital injection to the marginal stabilization of the credit market and the funds are contributing to the necessary write-downs.

Some experts also question whether Treasury diagnosed the problem correctly and accordingly allocated the funds appropriately. Now, Treasury claims TARP has worked because we have not fallen into a Great Depression. But when they are not collecting data from the banks on how the funds are used, it is kind of tough to point to that.

We need to focus on the real need for additional TARP funding and ensure that taxpayers have bailout fatigue, and I am troubled by Government intervention in the private market. We need the private market at some point, however, to work itself out, and we must force the writedown of bad debt to address the solvency of banks. We have not seen those assurances, and I am not going to be able to support this release before us.

Many experts have implored the Treasury to use TARP to address bad debt that is still held by banks. I believe that should have been in the initial provisions. We forced the auto companies to jump through hoops. Perhaps, on the other hand, they can use a guarantee program for a risk-share program.

Unfortunately, we still do not know how the second half of the funds is going to be used. We might have to have a subprime mortgage asset restructure trust like the entity we set up to deal with the savings and loan crisis. It was painful in the late 1980s, but it worked.

Unfortunately, as I said, this is not the case. The taxpayers need to be protected by the financial system. Some estimates are that about $1.5 trillion is pending, and we are likely to see more requests for funds. But before additional requests are submitted, we look forward to the incoming administration bringing some coherence and structure to the program and provide for certainty and confidence to taxpayers and markets by providing the transparency, accountability, and the oversight that is currently lacking.

There are many unanswered questions about the current TARP. We do not dismiss the real threats of more financial turmoil. We can clear them up, but things likely will get worse before they get better. I am committed to help save the system, but we need a plan to show we are going to act responsibly and protect taxpayers while providing more accountability, transparency, and oversight.

The PRESIDING OFFICER. The Senator from Virginia is recognized.
one person in the administration, at least three people in the administration, working together to find out the best place to put these funds; that American taxpayers are invested; that there will be limits on executive compensation, and that there clearly are going to be intrusive properties, to re-regulate the financial markets.

We are in a very difficult situation in this body because we cannot amend this document. We cannot put these proscriptive legislative language. We can only vote up or down as to whether this money is made available, and I am going to vote to release those funds.

The distinction for me is that, in the first instance, we had an administration that was ending its tenure. It was on its way out the door as it implemented the first tranche in, I think, not a fully responsible way.

In this instance, we have a new administration that is going to have to make the mistakes and do the wrong—giving the money to the people who were hot and mad and upset, and 40 for the bill. There was strong opposition to that. Point in time we had 2,000 calls against the Presiding Officer's phone ringing during that period of time. My guess is the Presiding Officer's phone ringing during that period of time. My colleagues were hot and mad and upset, and we have plenty of time for debate available to us for the larger stimulus package where we can truly sort out what type of financial rescue plan we are going to put into place for the country.

So I have struggled with this like so many of my colleagues. I am very comfortable with the guarantees that were given by the President-elect. I am going to be in favor of this program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I am rising to speak in favor of the disapproval resolution. I think we should disapprove the use of the TARP funds, and I will outline why to my colleagues and point out the reasons and give a little bit of history on this as well.

I think it is interesting the Treasury Department, as far as I understand, on September 22, and said: We have to do this. We have to have $700 billion to save the financial institutions across the United States. We have to do it, and we have to do it now. There were zero hearings on the $700 billion. Now, normally, around here you would not spend $7 billion, let alone $7 billion or $70 billion, without a hearing. We did $700 billion without a hearing, and in a rush and in a push and people saying: We don't have time now, or we risk going into a Great Depression.

This bill passed. Now, my phone was ringing during that period of time. My guess is the President’s Office’s phone was ringing during that period of time. Kansas was mad and angry, and strongly opposed. I think at one point in time we had 2,000 calls against and 40 for the bill. There was strong opposition. They do not like the idea of giving the money to the people who made the mistakes and did the wrong-doing in the first place, and it was our taxpayer money. Then, what is in the bill—the initial bill was a 30-page bill.

Now, it expanded some after that, but we did not have a review process. It was: We have to do this; we have to do this now, period. It went on through the Congress, and it passed. We had two tranches: the first $350 billion and a second $350 billion. I argued at the time as well, the second $350 billion should require an affirmative vote of Congress. I mean, this is $350 billion we are talking about. Instead, all we could get was this disapproval process which the President then has to come back here for a two-thirds vote. So you, in essence, have to get two-thirds of the Congress to disapprove. Nonetheless, I think we should disapprove this proposal, this bill, this additional $350 billion in funding.

Now, if the initial proposal was OK, look, we have to have it, we have to have it now to support and to keep the financial institutions going and properly functioning in the country—that that the banks that the financial institutions are operating. Certainly, there is a lot of distress, but they are operating and they are operating effectively.

So the idea that you have to do it and you have to do it now to maintain a fiscal financial system operating is no longer there. That is one reason.

The second one: We ought to spend some time thinking about this and whether we want to do this because this has turned into rather a large slush fund. It has been moving from various targets. Initially it was said this was going to be used to buy troubled assets. Then that seemed like it was going to take too long, so it was put into stock, into financial institutions to strengthen their bottom line. So there was no real target given, and it was moved and sloshed around. Even on auto bailout, at the end of the day, do we want that design principle to be adapted rather large slush fund. It has been moving from various targets. Initially it was said this was going to be used to buy troubled assets. Then that seemed like it was going to take too long, so it was put into stock, into financial institutions to strengthen their bottom line.

So there was no real target given, and it was moved and sloshed around. Even on auto bailout, at the end of the day, do we want that principle to be adapted to the Treasury that has $350 billion to spend? Would we have to argue then, as I do now, no. We don't want that loose of a situation.

Then there is the matter of oversight on this particular issue. We have an oversight panel that has reported that Treasury has “failed to address a number of questions asked by the panel itself,” our panel, the congressional oversight panel, in its first report. I don't see enough transparency in the manner in which TARP is being executed, and I don't see in terms of what contingency plans Treasury has in mind to use these additional funds to grant carte blanche spending of $350 billion that could range from troubled assets, stock in banks, an auto bailout. And if that is your initial model of where you can spend it, then where else could we spend the additional $350 billion? Is this on credit card bailouts, on student loans, on another industry? It looks as though we don't know.

Quoting from the oversight panel, they were saying that this money, as I mentioned earlier, has failed to address a number of the concerns that were previously raised. Indeed, if anything, I think it could be argued that the haphazard manner in which these funds were spent has increased the financial stress and has injected uncertainty into a financial system and an economy already gripped by fear. Almost the very uncertainty and the moving back and forth said to the broader economy and to the global community: We don't know what we need to do. It helped to spread fear rather than to calm the market situation.

I need to have a calm discussion about this $350 billion. It is very difficult for me to go back home and say to my constituents: We approved an additional $350 billion and we are not exactly sure where it is going to be spent, when they were flaming mad about this being approved in the first place.

While additional TARP funding is not necessarily $350 billion of Government spending, I am not convinced it is not the moral of allowing investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what this investment is, and as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know what the banks are doing with the TARP money they have already gotten, and we are going to approve another $350 billion.

Without transparency about funding already committed to TARP and with due notice that any additional TARP funding would be used, I cannot vote to allow additional TARP funds to be released. Without more transparency and information on plans with a potentially large taxpayer cost, I do not see the merits of allowing additional investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what this investment is, and as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know what the banks are doing with the TARP money they have already gotten, and we are going to approve another $350 billion.

Without transparency about funding already committed to TARP and with due notice that any additional TARP funding would be used, I cannot vote to allow additional TARP funds to be released. Without more transparency and information on plans with a potentially large taxpayer cost, I do not see the merits of allowing additional investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what this investment is, and as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know what the banks are doing with the TARP money they have already gotten, and we are going to approve another $350 billion.

Without transparency about funding already committed to TARP and with due notice that any additional TARP funding would be used, I cannot vote to allow additional TARP funds to be released. Without more transparency and information on plans with a potentially large taxpayer cost, I do not see the merits of allowing additional investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what this investment is, and as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know what the banks are doing with the TARP money they have already gotten, and we are going to approve another $350 billion.
I hope we can do that and take our time to get this right and get the oversight right and get the answers to simple, direct, but very important questions.

I yield the floor.

Mr. CHAMBLISS. I ask unanimous consent to speak for up to 3 minutes.

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

Mr. CHAMBLISS. Madam President, I rise in support of the motion to disapprove the expenditure of the additional $350 billion. I am one who supported the original package back in September. I thought it was the right thing to do then. I still think it was the right thing to do at that point in time. The reason I thought so then and still think so is that we are certainly in a financial crunch. We were presented with a plan by the Treasury Department that laid out what we were going to do with this $350 billion that was the initial amount authorized to be accessed, that that $350 billion would move us in a direction of loosening the contraction of the credit market. That was the point back in September of this year. Banks could borrow money in the credit market from each other, and they would thus have money to loan out to businesses as well as to individuals.

The fact was the Treasury Department, after telling us the plan they proposed to operate to do that, moved in a different direction and moved in a direction of providing funding from this initial $250 billion and now the second $100 billion to fund banks, to provide capital to banks that was supposed to be used to buy toxic loans, not from individual banks but to buy toxic loans that were packaged at banks because they bought the banks. The fact is, it didn't work. It has not worked at all. We have not seen a loosening of the contraction of this credit market.

For us to come in today and be faced with a vote here today in the short term relative to accessing the second half of the $700 billion without having a plan that we have some assurance is going to work I believe is the wrong direction to go. Not only that, but as a part of the original $350 billion, there was some $20 billion or so that was accessed and given to the automobile industry in such dire straits. That goes to automobile companies that are domestic companies that are in trouble as well as funding that went to GMAC, a financial arm of the automobile industry. That was never intended when we debated and voted on the original plan back in the fall of this year.

As my friend from Kansas said, it needs to be a written plan that is thoroughly thought through by folks who are certainly smarter than I am on this issue, and it needs to be in place before we take taxpayer money and expose it. I use that term because I still think, on the first $350 billion, we have the opportunity to be paid back, but it is exposed. But for us to further expose an additional $350 billion without some strong assurance that we will get re-paid this money and, most importantly, unless we have some plan that gives us, while not a guarantee, a strong indication that accessing that additional $350 billion will move us toward resolution of this crisis and a loosening up of the credit market, I just think is the wrong direction in which to go. Because of that, I intend to vote in favor of this motion and in opposition to accessing that second $350 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. INHOFE, Madam President, while I was given, very generously, 10 minutes, I will not take that time because I have had occasion to stand on the Senate floor since last October 10 on numerous occasions and talk about what has been going on from the beginning. Sometimes we lose sight of the fact that this had to start somewhere, and this start was when Secretary Paulson—and I to have say this is a Republican administration; he was the Treasury Secretary—came out with this plan this year. He said: We have to have $700 billion. It has to be spent to buy damaged assets. And even at that time, it didn't make any sense because, if you read the document, it didn't say anything as to how that was going to happen, to this money. It just completely was a blank check. Never in the history of Oklahoma have we voted to give anyone, elected or, in this case, unelected bureaucrat, $700 billion to do whatever he or she wants to do with it. It is mind-boggling that that could have happened, but it did happen.

The other thing that makes history out of this is, this is the largest single vote on an authorization in the history of this country. This amount is so big, I have tried to explain to people what this really means: $700 billion, if you take all of the families in America who file tax returns and do the math, is $5,000 a family. That is what we are talking about.

I opposed it originally and said that we are going to regret that we did this unprecedented thing. I hate to say it, even though I want to encourage as many Members to vote for this resolution because if it should pass both the House and the Senate—and, of course, the House will be voting on it later on—then the new President would come in and would veto it. And all he would need is 34 votes, in the case of the Senate, to sustain a veto. Obvi-ously, the votes are there. So it is going to happen. But I think it is important that as many people get on record recognizing it is not the right thing to do for America, and to do that, this is their last chance.

In October, after this passed the House and the Senate, I introduced legislation at that time, then reintroduced it with the new Congress, putting in accountability so that they would have to come to Congress. I don't care if it is the Bush administration or the Obama administration, come to Congress, tell us what they want to spend the money on. Let's debate it, let's go through the deliberations process so we are in the curve. That is what the Constitution says we are supposed to be able to do. But it didn't happen.

I would name it TARP, the Troubled Asset Relief Program—this is no troubled asset relief program. It was represented by Secretary Paulson to be the buying of damaged assets. I have renamed it the SOAP program, the Spend On Any Program, because that is exactly what we have done. We don't know today, and we are about to pass something or we are going to end up adopting something, and this resolution will not be able to stop it. That is going to change the behavior. It is the first time this has happened in the history of this country. We are going to be saying to somebody: You can have this big block of money. You can do anything you want with it. That has not happened before. I think the historians, 50 or 100 years from now, will look back and say that the vote that took place in October that allowed one unelected bureaucrat to have $700 billion is going to be probably the most egregious vote in the history of this institution.

I look at this, and I see that this happened. I recall in October, when the majority—75 percent of the House and the Senate—voted for this thing, I said at that time that there are going to be others lined up. As this is structured, you can't stop it. You can't blame the auto industry for coming in, wanting to have a bailout. So they got a bailout. For those of you who think that is bad, I agree. But that was only 2 percent of the total $700 billion. All we need to do is put these things in perspective. This is something that should not have happened. I think it is going to go down in history as one of the dark moments of this institution.

Lastly, we have talked to a lot of people, a lot of economists, three of them from the Reagan era. They said we didn't really accomplish anything with the first $350 billion. Our western farmers in Oklahoma—I won't mention their names, but the majority of them got $20 billion. Now they are asking for more so that credit would be loosened up. They came to me way back in October and said they received this money, but the credit has not loosened up at all. I am inclined to think that the first $350 billion was pretty much wasted, and now we are going into another $350 billion.

I would encourage any of my colleagues who voted for the initial $700 billion bailout to go ahead and vote for this. Because that first $350 billion was pretty much wasted, and now we are going into another $350 billion.
I will yield the floor.

Let me inquire of the Chair: There is no one else ready to speak right now. If I were to continue to speak, would that use up time on this side? I do not want to do that.

The PRESIDING OFFICER. Yes, it would.

Mr. INHOFE. OK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant-legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Madam President.

In about an hour or so we will be voting on this matter. I know there are several other Members who want to be heard on this discussion, although there has been a lot said about this matter since the problem first emerged, at least the request first emerged in mid-September. September 18 of last year, when the Secretary of the Treasury and the Chairman of the Federal Reserve came before the leadership of the Congress and announced that within a matter of days we would be facing a meltdown of the financial sector of this country as well as, maybe, globally. From that time forward, we have found ourselves in this situation.

As I said a little while ago in brief remarks, I do not know of a single Member—at least I do not believe there is any—who takes any pleasure in being involved in this debate, involved in the vote we are about to cast, knowing the problems that have created this situation were avoidable, preventable, and had administration paid more attention, when they were asked to more than 2 years ago, about the foreclosure crisis in this country—that is the root cause of the problems we are now dealing with—then we would not have to be here today. That is not hyperbole. That is not speculation. That is a fact. But what do we do? Again, we have to ask: Like all of us, we have to ask ourselves: Like our country, what do we do? Like our country, what do we do?

Today, we find ourselves with 17,000 people a day losing their jobs in America. Between 9,000 and 10,000 homes are going into foreclosure every day in the country. Retirement accounts are being dwindled down to almost nothing in the country. Retirement accounts are going into foreclosure every day in the country. Retirement accounts are going into foreclosure every day in the country.

People got together, infused capital into lending institutions—the 5,000 of them—in the spring of 1933, and created the FHA, to get this country moving again, and an American President stood on the east front of this Capitol and said to the American people: You have nothing to fear but fear itself. Hope began to spring in the hearts and minds of Americans all across this country because while they were suffering terribly, they knew they needed a Government that was going to roll up its sleeves and do something. They knew they needed a Government that was going to roll up its sleeves and do something to get this country moving again.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

This is not going to win you any parades. You are not going to get a plaque or a medal for doing this. I have great respect for my friend from Oklahoma, but I would predict just the opposite. This is going to help save the lives of those 17,000 people today who will lose their homes. 

I will yield the floor.
Madam President, to be printed in the Record provides far greater specificity than earlier communications, and I welcome that, detailing specifically how this will work, how it will be monitored, how important the intervention on foreclosures will be, and focusing on the fact which is obviously critical if we are going to get back on our feet again. I think the letter ought to provide some confidence to Members who are concerned about how this program will be managed and run, and that it will, in fact, be run differently than the present administration is doing it.

There being no objection, the material was ordered to be printed in the Record, as follows:


Hon. HARRY REID,
Majority Leader,
U.S. Senate.

DEAR LEADER REID: Thank you for the extraordinary efforts you have made this week to work with President-Elect Obama in implementing the Emergency Economic Stabilization Act of 2008. In addition to the commitments I made in my letter of January 12, 2009, the President-Elect asked me to respond to your valuable recommendations made by members of the House and Senate as well as the Congressional Oversight Panel. We completely agree that this program must promote the stability of the financial system and increase lending, preserve home ownership, promote jobs and economic recovery, safeguard taxpayer interests, and achieve high degrees of accountability and transparency possible.

As part of that approach, no substantial new investments will be made under this program unless President-elect Obama has reviewed the recommendation and agreed that it should proceed. If the President-elect concludes that a substantial new commitment of funds is necessary to forestall a serious economic dislocation, he will certify that decision to Congress before any final action is taken.

The Obama Administration will commit substantial resources of fifty to one hundred billion to a sweeping effort to address the foreclosure crisis. We will implement smart, aggressive policies to reduce the number of preventable foreclosures by helping to reduce mortgage payments for economically stressed homeowners, while also reforming our bankruptcy laws and strengthening existing housing initiatives like Hope for Homeowners. Banks receiving support under the Emergency Economic Stabilization Act will be required to implement mortgage foreclosure mitigation programs. In addition to this action, the Federal Reserve announced a $500 billion program of support, which is already having a significant beneficial impact in reducing the cost of new conforming mortgages. Together these efforts will be a major effort to address this critical problem.

In addition to these commitments, I would like to summarize some of the additional reforms being implemented:

1. Provide a Clear and Transparent Explanation for Investments:

For each investment, the Treasury will make public the amount of assistance provided, the value of the investment, the quantity and strike price of warrants received, and the schedule of required payments to the government.

For each investment, the Treasury will report on the terms or pricing of that investment compared to recent market transactions.

The above information will be posted as quickly as possible on the Treasury’s website so that the American people can monitor the status of each investment.

2. Measure, Monitor and Track the Impact on Lending:

As a condition of federal assistance, healthy banks without major capital shortfalls will increase lending above baseline levels.

The Treasury will require detailed and timely information from recipients of government investments on their lending patterns broken down by category. Public companies will report this information quarterly in conjunction with the release of their 10Q reports.

The Treasury will report quarterly on overall lending activity and on the terms and availability of credit in the economy.

3. Impose Clear Conditions on Firms Receiving Government Support:

Require that executive compensation above a specified threshold amount be paid in restricted stock or similar form that cannot be liquidated or sold until the government has been repaid.

Prevent shareholders from being unduly rewarded at taxpayer expense. Payment of dividends by firms receiving support must be approved by their primary federal regulator. For firms receiving exceptional assistance, quarterly dividend payments will be restricted to $0.01 until the government has been repaid.

Preclude use of government funds to purchase healthy firms rather than to boost lending.

Ensure terms of investments are appropriately designed to promote early repayment and to encourage private capital to replace public investments as soon as economic conditions permit. Public assistance to the financial system will be temporary, not permanent.

4. Focus Support on Increasing the Flow of Credit:

The President will certify to Congress that any substantial new initiative under this program will contribute to forestalling a significant economic dislocation.

Implement a sweeping foreclosure mitigation plan for responsible families including helping to reduce mortgage payment for economically stressed but responsible homeowners, reforming our bankruptcy laws, and strengthening our existing housing initiatives like Hope for Homeowners.

Undertake special efforts to restart lending to small businesses responsible for over two-thirds of recent job creation.

Implement a sweeping foreclosure mitigation plan for responsible families including helping to reduce mortgage payment for economically stressed but responsible homeowners, reforming our bankruptcy laws, and strengthening our existing housing initiatives like Hope for Homeowners.

Undertake special efforts to restart lending to small businesses responsible for over two-thirds of recent job creation.

Ensure the soundness of community banks throughout the country.

Limit assistance under the EESA to financial institutions eligible under that Act. Firms in the auto industry, which were provided assistance under the EESA, will only receive additional assistance in the context of a comprehensive restructuring designed to achieve long-term viability.

The incoming Obama Administration is committed to these undertakings. With these safeguards, it should be possible to improve the effectiveness of our financial stabilization efforts. As I stressed in my letter of January 12, with the Treasury, with oth
everything possible to make sure our economy gets moving in the right direction.

On that note, Madam President, I urge my colleagues to reject this motion of disapproval and to give this new administration a chance to get our country back on its feet again, as he desperately wants to do, and to give America, once again, that sense of hope and optimism we deserve as a people.

Madam President, I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the quorum call be rescinded.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. Boxer. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. Dement. The President is standing for: Toxic Assets—T.A.—and your first instinct is: I don't want to go near it; I don't want to touch it; I don't want to have anything to do with it. I can tell my colleagues from the bottom of my heart that on 99 percent of issues here, I know what I am getting a blank check and whatever I say to quote him, "Every penny that they spend, the public will know about."

I have a friend who just spoke. I can say: Sorry, it was a horrible experience the first time and I am not going to give you this chance. I could say that. That is the easy thing. That is the easy vote. Voting no is the easy vote. Then I can't and not worry about it. But how could I walk away from this President at this time? When he says to me and he says to us he needs a chance here, he needs this tool in his pocket to bring it out if he is in a crisis worse than the one now. I cannot walk away from that.

So I say to my constituents I will vote for this, and I will do it because of the assurances I have gotten from the President-elect himself that it will be different, that he will use these funds judiciously, that he needs to make sure he has this tool in his pocket. I hope my constituents understand that after he has this tool in his pocket, I don't want to do with it. I can tell my colleagues that on 99 percent of issues here, I know what I am getting a blank check and whatever I say.
Nation and the amount of debt we have. The amount of debt we have is now approaching a half a million dollars for every American family. It is very difficult to justify continuing to borrow money when all we are doing is treating the symptoms of the problem.

It is very difficult to justify continuing about throwing more money at a problem and we have yet to address the causes of the problem. We know the government made many mistakes with government-sponsored entities such as Fannie and Freddie Mac. We have not corrected those problems in a way that will show any results. We know we require banks to make loans to people who can’t afford to pay them back and we have not corrected those problems. If you talk to any businessperson—and I have been a businessman most of my life—they are not looking for a short-term, knee-jerk solution; they need to have a predictable business environment in order to take risks and make investments in their business.

If we were looking at real solutions such as lowering our corporate tax rate, lowering capital gains that would encourage the nearly $1 trillion of private money that is now sitting on the sidelines, talking about doing anything that is going to encourage this private money to get into the market, into the banking system that would create more liquidity. All we are doing is treating the symptoms, and there is no discussion of solving the problem.

I hope my colleagues will take the telephone calls and the e-mails they are getting from their constituents, as I am, seriously. Americans intuitively know that what we are doing here is wrong. Even if it worked for a few months, all of us know we have to pay it back, our children and our grandchildren for generations to come, with a lower standard of living, incredibly high taxes, and a devalued currency.

Madam President, I thank you for the opportunity to speak and I yield my time, as I again encourage my colleagues to vote for this resolution of disapproval, and let’s figure out how to solve the real problem.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I intend to vote against the resolution disapproving the release of the so-called second tranche of funds for the troubled asset relief program, or TARP, albeit with some reservations.

When I first decided to support the TARP last fall, I did so because I believed it was essential to preventing the collapse of our financial markets. I believed we were facing an emergency that would hurt every American unless Congress stepped in to provide temporary assistance to our financial system. I continue to believe this today.

The conditions that called for the first half of the $700 billion authorized still exist today.

Last fall, credit stopped flowing. The root of the problem, and I think we all agree, is that the banks didn’t know if their mortgage-backed securities had value. No one was willing to loan based upon that lack of knowledge. When they stopped lending to each other, they also stopped lending to businesses, large and small, and to ordinary Americans. And that isn’t even getting a loan for a car or a major appliance, and that condition persists throughout the country today to some degree. We learned very quickly that the dubious business model of Fannie Mae and Freddie Mac, of more and more mortgages was causing the entire system of credit and financing to seize up. Every American has been hurt by this market failure.

So the Secretary of the Treasury recommended that a $700 billion investment program that was flexible enough to change with market conditions and that would be focused on addressing the underlying problem in our financial market, namely, these mortgage-backed securities that the Treasury has deployed or committed the first half of the money—$350 billion—and is now asking for the second half. Unfortunately, as I said, the same circumstances that called for the initial $350 billion are still with us today.

For the most part, I supported the Treasury’s actions, although I wish that the conditions enabled the banks to be more aggressive in their lending. I don’t view the program as a gift to the banks. Those whose funds must be paid back with interest. I did not and do not support their decision to use TARP funds to bail out the automobile industry, a purpose for which it was clearly not intended. I wish to make it clear, I always understood and believe that the full $700 billion would likely be needed to get our credit markets working again. That is why I support giving the Treasury Department the authorization for this second tranche of $40 billion, and it is why I will vote against the resolution to disapprove releasing the funds.

I have had many conversations with officials of the incoming Obama administration, and they promised me and all Republicans, for that matter, that they intend to dedicate the fund to shoring up the financial markets. They promised they will not use the funds to prop up failing companies outside of the remaining commitment to the automobile industry made by the Bush administration of about $34 billion, and the possibility of debtors’ possession financing under certain circumstances.

They promised greater transparency and accountability, and I intend to stay in close contact with them to see that these commitments are kept. I know this is not a popular decision, but I believe, in the long run, this program will help to keep our economy from collapsing. It will eventually help it to recover. And that will benefit every Arizona and every American.

I wish to be clear that I am not asking any of my colleagues to join with me on this vote unless they have concluded, as I have, that we simply did not take a chance that we don’t have the financial ability to deal with crises as they develop.

I wish, unfortunately, my view that crises will continue to develop in the finance and banking sector of our economy so we are going to need the authority for the next $350 billion.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent for 3 minutes.

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

Mr. HARKIN. Madam President, I wish to make it clear from the beginning that no vote—well, there have been a few votes I have cast in my 24 years, now going on 25 years, that I have regretted. We are all human. We do make mistakes. But I want us to do the best information we can, and then we vote.

Last fall, the information we got is we were on the verge of collapse, we had to do something, we had to get this TARP bill through, so I voted for it.

Then, I became more and more dismayed as the weeks went by and the months now to see how it was mishandled completely, not in accordance with what we in Congress were told they were going to do. They said they were going to purchase toxic assets. But then Secretary Paulson and his friends did the old bait and switch. Instead of doing that, they pumped tens of billions of dollars into purchasing equity in major banks.

So when this new TARP came up, I must tell you I was adamantly opposed: no more of this, we are not going to put any more money out there like this. Then I began discussions with the new administration coming in.

They have come up and talked with us a number of times. I had about three phone calls last night with my good friend, Senator Joe Biden, who will be our next Vice President.

He said: What is troubling you?

I said: What is troubling me is that no one seems to be responsible for what happened to the first 350. You have Paulson, but then there is President Bush, and somebody else seems to be responsible.

I said: Secondly, they didn’t use the money for what we wanted and there is no transparency. We don’t know what happened to a lot of it. And I said: Third, there have to be more of this money put out there for middle-class America. It has to be put out there for them—not this trickle down where you put it in investment banks—but put it down below so it can percolate up. He talked with the President-elect. We had a good phone call.

I see a letter from Lawrence Summers was sent up to us today which reiterates what soon-to-be Vice President

January 15, 2009
Mr. SHELBY. Madam President, $350 billion is an enormous amount of money to me. I find it hard to believe we would even consider granting any public official the authority to spend such an amount without, at the very least, requiring him to appear before us and explain how he will use it. If the majority and the new administration wish to demonstrate that there is a new climate of accountability in Washington, this would be an opportune place to start.

I believe the choice is clear. If you support accountability, transparency, the only vote is to support the joint resolution to deny the $350 billion to the Treasury.

The American people, I believe, are rightly outraged at the way Congress has spent billions of TARP dollars. It is time Congress looks at the financial crisis with the seriousness and diligence the American people demand, expect, and reserve.

The last time we considered how to respond to the financial crisis, we panicked and passed the TARP bill. We now have a second chance—though I believe we will throw it away—to fulfill our responsibilities to the American people. I hope we will support the motion to disapprove, I urge my colleagues to vote in favor of the joint resolution of disapproval.

I yield the floor.
Mrs. MURRAY. Madam President, next week, we will inaugurate a new Commander in Chief. It is a time of hope and opportunity for people across this country.

While many Americans are hopeful today, too many others are hurting, and they cannot wait another day for the change they have been promised. People in my home State of Washington are feeling the pain.

When I held an economic roundtable in Everett, WA, earlier in December, the room was filled to overflowing with people who came out in the middle of the day to express their concerns and to listen to business owners and families and community members talk about the struggles they are facing.

Unemployment in my State, like States across the country, is at record highs. Businesses, big and small, are struggling to meet their payroll. And too many families are still wondering how they are going to stay in their homes, pay a loan to pay for school for their kids.

We stood here on this floor almost 3 months ago debating whether to approve the President’s request for economic rescue funds. At that time, communities across my State were hurting. Families were struggling to pay for their groceries, to afford health care, and wondering how they were going to pay for college.

My constituents were angry they were being asked to fork over their tax dollars to cover the consequences of years of reckless abandon on Wall Street and the failure of this administration to regulate or rein in their folly.

Here we are today, 3 months later, and my communities and my families are still hurting. Many people are still struggling with health care and education and foreclosures. Just this week, the people of my State heard Boeing announce plans to lay off thousands of workers in the State of Washington. The Seattle PI—a newspaper that thousands have welcomed into their homes every day—was put up for sale. And today we learn that foreclosures in our most populated county have spiked by 98 percent over last year.

My constituents were angry they were being asked to fork over their tax dollars to cover the consequences of years of reckless abandon on Wall Street and the failure of this administration to regulate or rein in their folly.

I saw both sides of the table. I grew up in a country that was there for my family in very hard times. When my father got sick and could no longer work while raising seven kids, there was no social security and food stamps when my family needed them. I will always remember that. That is why I will always work to make sure our country is there now for today’s American families.

I supported this rescue package today because we have to keep our country moving forward, and our incoming President deserves the support of Congress to make that happen.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, to a certain extent I wish to follow up precisely on the remarks the Senator from Washington made at the end of her speech.

I, too, have been disappointed with the deployment of the first half of the TARP money, and I supported that deployment in the hopes that it would stabilize the marketplace, ease credit for our customers, and help the housing market. While it probably did stabilize the banking system, there has yet to be a loosening of credit and
there has yet to be a recovery of the housing market. Looking ahead, we continue to look at suggestions that throw money at the problem rather than getting to the root cause of the problem. In fact, with the housing market, I think there are struggling to meet the symptoms of a serious illness rather than treat the illness. I wish to direct my remarks tonight to that illness. The illness, as the Senator from Washington well knows, is the collapse of the U.S. housing market which began in the last quarter of 2007. In the first quarter of 2008, in January, I introduced a housing tax credit of up to $15,000 for the purchase of any house that was standing vacant or in foreclosure. I did it for a couple of reasons. No. 1, I was in the real estate business for 33 years, and I was in it in 1974, a year in which we had a housing collapse worse than the current situation. While many people think this one is bad, I think it is worse.

In December of 1974, there was a 3-year supply of unsold, standing new houses in the United States of America. That is a catastrophic inventory. We currently have a supply of about 11 to 13 months. We are not standing on the cliff. That is not a good market, but it is not 36 months, which is a horrible market. President Gerald Ford, a Republican, and a Democratic Congress, came together and passed a $2,000 tax credit to any buyer who bought and occupied one of those standing homes. Within 1 year’s time, which was the limited time of the tax credit, two-thirds of the housing inventory on the market was sold, values stopped declining and started improving, and we had a stabilization of our economy, the end of a recessionary period, and the beginning of prosperity.

I come here tonight because about an hour and a half ago I dropped a bill known as 'Fix Housing First,' an effort for me and others in this body to rekindle that debate of last January. Now, Fix Housing First proposes the following: Repeal the $7,500 tax credit we passed last year, which is not being used, by the way. That credit has not been used to any extent whatsoever. Replace it with a tax credit that will incentivize the housing market so we can stabilize values, stop the continuing erosion of equity, and begin to refinance—not inflate but refinance—the housing market.

In America today, 20 percent of the houses are underwater, meaning there is more owed on them than they are worth. That means equity lines of credit with our banks are in default. It means students going to college are losing their parents had for tuition. It means there is not enough liquidity in households for credit availability to make purchases of durable goods that are important to our system, and our system is continuing to fail. I do think they can steal. They don’t want to even make an offer on the 80 percent of people’s houses in this country who are making their payments, aren’t in foreclosure, aren’t in default, aren’t foreclosed on, but just need to sell. So that marketplace has died.

Now, Fix Housing First proposes the following: Replace the $7,500 tax credit we passed last year, which is not being used, by the way. That credit has not been used to any extent whatsoever. Replace it with a tax credit that will go from $10,000 to $22,000 depending on the formula. It would be a monetizable tax credit. What that means is this: you make the tax credit good for this year—January 1 through December 31 of 2009—but you allow the monetization or the claiming of that credit against the 2008 income taxes of that family. The 2008 income taxes due in April of this year, the 15th. We all know that if you allow the credit to be taken against 2008 income taxes, you can monetize that money at the closing, use it as a part of the downpayment, and immediately incentivize the marketplace. Is that a little costly? Sure. Is something we would rather not do? Probably. But what are we going to do? Watch the marketplace go down to where four out of every five houses are underwater? Watch sales go down to where there is no marketplace to buy the houses, they have no cashflow coming in to service the loans. They are deteriorating in terms of their value. Americans who have been transferred who are making their payments, who have a viable house, who have to sell it to move to the next city of choice, there is no marketplace to buy that house, so that is stagnating.

Consumer products, take carpets, for example. The State of Georgia, the County of Whitfield, the City of Dalton produces about 85 percent of the domestic carpet in the United States of America. It is shut down. The mills are shut down. Why? People aren’t reordering. They aren’t redoing their New houses aren’t selling. Who is going to pay for the carpet?

So my plea to the President-elect, to my friends on both sides of the aisle, to the Members of the United States House of Representatives, as we are deploying countless billions of dollars to this problem, let’s put some money out there to incentivize Mr. and Ms. America who want the American dream to buy a home, to buy one for their family, occupy it as their residence, and give them a tax credit for doing it. It is a small price for the Government to pay to begin to restore the industry that got us to where we are and will lead us out of these dangerous and dark times.

I come tonight to tell you a story of homeowners the President’s Officer’s State of Florida and mine, the community bankers, the realtors, the homebuilders, the fix-it people, the durable goods producers, the building supply makers, the landscapers—every job that has been lost and gone, in some cases forever, because the housing market in this country has collapsed.

We have learned our lesson for loose underwriting. We have a lesson from loaning money to people who weren’t qualified to borrow. We have paid a terrible price for that lesson, both the country and the people. It is time for us to do what we know we should have done: have quality underwriting, available credit, but have accountability in our lending system, make sure values are appraised right, underwriting is done right, and credit is available but people are qualified. If we can do that and incentivize people to have a tax credit that has been shown to work, we can solve this problem.

I don’t want to oversimplify the gravity of the problem we face, but the
housing market led us; the housing market will lead us out. It is time for us to fix housing first. Our failure to do so will cost us a lot more than $700 billion of our taxpayers’ money, and countless Americans who shouldn’t will lose their homes, lose their jobs, and see their savings drained away in the greatest country on the face of this Earth.

I ask my colleagues to study this recommendation. I hope the President-elect will embrace it. I hope, quickly, we can fix housing first in the United States of America.

Mr. ENZI. Madam President, for the past 2 weeks, I have been patiently waiting for what everyone in this chamber knew was inevitable. When the Senate passed the Emergency Economic Stabilization Act on October 1, 2008, we included a stipulation allowing the disbursement of the final $350 billion only upon the President’s request to Congress, and after Congress had been given an opportunity to pass a resolution of disapproval prohibiting release of the funds. We did this to provide a chance to thoroughly assess the program, make changes, and get our country’s economy on the right track again.

Although I voted against the act that created the Troubled Asset Relief Program, the TARP, I was pleased that this provision was added into the final bill. Many of my colleagues and I thought, optimistically, that the TARP would work as we had predicted. It was even possible, some noted, that we would not have to spend the entire $350 billion final disbursement. Even if it was necessary to approve the additional funds, we would be provided the opportunity to evaluate the program and make it more effective in a rapidly changing market.

So in preparation for the President’s request, I have been keeping track of the market conditions, following the headlines, and watching the stock market. Yesterday, the Dow Jones industrial average closed down almost 250 points. This is the lowest the market has closed in 2009, and the biggest drop since December 1, 2008.

Jobless claims have increased since the holiday slowdown. The U.S. Department of Labor statistics on unemployment released today indicate that the recession is getting worse and that those companies we were trying to save with TARP funding are letting go more workers than predicted in order to stay afloat. These are the same workers who have seen a lifetime of retirement earnings shrink to nothing. Others have lost their homes, their most stable financial asset in past years due to rising unemployment and a frozen credit market. For those Americans without a job, they face dismal employment prospects as companies continue to cut their workforces to stay in the black.

The companies that employ them are not in any better shape. Headlines this week warned that even the largest financial institutions were forced to take drastic measures to remain viable. For example: “Citigroup Ready to Shrink Itself by a Third.” “Bank of America to Get Billions in U.S. Aid, Can’t Close Deal for Ailing Merrill Lynch.” These developments occur despite $350 billion of taxpayer money already spent and billions more guaranteed through the Federal Reserve.

After more than 3 months, it is time we take a detailed look at the TARP program and ask ourselves, “Are Americans taxpayers getting what they paid for?” Based on my observations, it is clear that we are not. Our economy appears to be in no better shape than on October 1, 2008, when we passed this massive $700 billion emergency bailout. And today the Senate is poised and seemingly eager to send more money out the door. We are throwing good money after bad money, and expecting different results. But without substantial changes to the TARP and measurable, attainable goals, there is no chance of success for this program.

Let’s be clear, this program has not worked. America is still in the grips of a frozen credit market, and the U.S. Treasury continues to operate this program by agreement with the Congress when we created the TARP. In fact, upon passage of the act, Treasury gave it a different name. The TARP became the Capital Purchase Program and instead of buying troubled assets, began buying stock directly from the market. Yet when Congress has an opportunity to put this program back on track, some of my colleagues would prefer to simply give Treasury more money to operate a $700 billion slush fund as it pleases. This is not the time to encourage blind spending and ignore the fundamental problems with our country’s capital markets. Now is the time to modernize the TARP, add accountability and transparency, and hold Treasury accountable so we can operate this program the way we intended.

It will take more than blind spending to get our economy back on track. That is why I support the resolution of disapproval. My colleagues in the Senate must take a critical look at this program, measure its progress and setbacks, and make changes that will put this money where it is most needed. It is obvious that the first $350 billion has not worked, so why are we rewarding this failure? Instead, it is time for Treasury to take a critical look at what we have and let’s work on a reform package that will hold Treasury’s feet to the fire and get credit flowing through our markets again.

We need a program that will put our money to work building construction assets, hire employees, and operating small and large businesses across the country. We need a program that will bring confidence back to the market. This program must be temporary, and provide a reasonable chance of success for the businesses and the taxpayers’ money we are participating in. It also must be accountable and transparent. The American taxpayers should know what they are getting with their investment, and to date, they do not.

I am willing to work with my colleagues on a reform package that will do all of these things. However, the first step must be to put the brakes on this reckless spending. Doing so will provide us with the opportunity to make the program better, and fulfill our obligation to the taxpayers funding this program with their hard-earned money.

Let me urge my colleagues to vote in support of the resolution of disapproval.

Mr. LEVIN. Madam President, we are in a crisis unparalleled since the Great Depression. We are on a deeply troubling path, marked by credit freezes, foreclosures, rising unemployment, and declining purchasing power. And that path, in the autumn of last year, appeared to be heading toward a cliff. We were fearful of what might happen if we stood idle and allowed our economy to fall off that cliff.

The initial Emergency Economic Stabilization Act proposal put forth by the White House and the Treasury Department was unacceptable. It was essentially a blank check for $700 billion to be spent however they pleased. There were no provisions for oversight, no accountability, no mechanism to ensure that the funds were well-spent. Congress did significant work to create a more acceptable proposal, including dividing the recovery funds into two pieces, the second of which could be disapproved by Congress.

In the months since we passed that legislation, I have been deeply disappointed in the way the administration has handled the program. Although we required the Treasury Department to maximize assistance for homeowners and work to minimize foreclosures, no systematic foreclosure mitigation program has been adopted, let alone implemented. Although the goal of the legislation was to unfreeze credit markets, the Treasury Department did not take reasonable steps to ensure that a significant portion of the billions of dollars distributed to banks across the country were used for this purpose.

Indeed, in one specific example, one bank that received over $2 billion in TARP funding has been reducing the lines of credit for Michigan businesses that have been long-time customers of the bank without a single default. I am hearing similar accounts from across Michigan and throughout the Nation. This slashing of credit by banks receiving federal funds is the opposite of what TARP was intended to do.

Many may recall that the originally stated purpose of the Troubled Asset Relief Program was to focus on purchasing “toxic” assets from financial institutions. While Congress set significant disclosure and oversight requirements to mitigate any recovery funds into two pieces, the second of which could be disapproved by Congress.

In the months since we passed that legislation, I have been deeply disappointed in the way the administration has handled the program. Although we required the Treasury Department to maximize assistance for homeowners and work to minimize foreclosures, no systematic foreclosure mitigation program has been adopted, let alone implemented. Although the goal of the legislation was to unfreeze credit markets, the Treasury Department did not take reasonable steps to ensure that a significant portion of the billions of dollars distributed to banks across the country were used for this purpose.

Indeed, in one specific example, one bank that received over $2 billion in TARP funding has been reducing the lines of credit for Michigan businesses that have been long-time customers of the bank without a single default. I am hearing similar accounts from across Michigan and throughout the Nation. This slashing of credit by banks receiving federal funds is the opposite of what TARP was intended to do.

Many may recall that the originally stated purpose of the Troubled Asset Relief Program was to focus on purchasing “toxic” assets from financial institutions. While Congress set significant disclosure and oversight requirements to mitigate any recovery funds into two pieces, the second of which could be disapproved by Congress. I hope the President-elect will embrace it. I hope, quickly, we can fix housing first in the United States of America.

Mr. ENZI. Madam President, the past 2 weeks, I have been patiently waiting for what everyone in this chamber knew was inevitable. When the Senate passed the Emergency Economic Stabilization Act on October 1, 2008, we included a stipulation allowing the disbursement of the final $350 billion only upon the President’s request to Congress, and after Congress had been given an opportunity to pass a resolution of disapproval prohibiting release of the funds. We did this to provide a chance to thoroughly assess the program, make changes, and get our country’s economy on the right track again.

Although I voted against the act that created the Troubled Asset Relief Program, the TARP, I was pleased that this provision was added into the final bill. Many of my colleagues and I thought, optimistically, that the TARP would work as we had predicted. It was even possible, some noted, that we would not have to spend the entire $350 billion final disbursement. Even if it was necessary to approve the additional funds, we would be provided the opportunity to evaluate the program and make it more effective in a rapidly changing market.

So in preparation for the President’s request, I have been keeping track of the market conditions, following the headlines, and watching the stock market. Yesterday, the Dow Jones industrial average closed down almost 250 points. This is the lowest the market has closed in 2009, and the biggest drop since December 1, 2008.

Jobless claims have increased since the holiday slowdown. The U.S. Department of Labor statistics on unemployment released today indicate that the recession is getting worse and that those companies we were trying to save with TARP funding are letting go more workers than predicted in order to stay afloat. These are the same workers who have seen a lifetime of retirement earnings shrink to nothing. Others have lost their homes, their most stable financial asset in past years due to rising unemployment and a frozen credit market. For those Americans without a job, they face dismal employment prospects as companies continue to cut their workforces to stay in the black.

The companies that employ them are not in any better shape. Headlines this week warned that even the largest financial institutions were forced to
that the originally conceived TARP program would not suffice to save our economy from the approaching cliff, so the administration turned to capital injections. The administration does not know what this massive infusion of capital will do to mitigate the economic crisis. They established no metrics to judge whether the program is working. Recipients of funds have not been required to set benchmarks as to how the funds should be used. Let alone track their report to regulators or disclose to the public what they are doing with the funds.

Many of the financial institutions that have received TARP funds continue to give out annual performance bonuses, many of which are gargantuan. It is just not right to give bonuses to the people that are the most hard-working Americans earn in decades of labor. And, as we have seen in the front pages of national papers this week, there are real concerns about the long-term viability of some of these funds. Yet these funds have gone out the door without requiring any written plan from the banks as to how they will continue operations or repay the taxpayers.

Even the administration have financial institutions carte blanche with, few, if any, questions asked, they first refused to provide TARP funds to our domestic automakers and then did so only with significant oversight and restructuring requirements. The double standard here is dramatic.

Because of all these shortcomings in the use and oversight of the first $350 billion of TARP funds, I would oppose the release of the second $350 billion if those funds were not required to be used as stipulated. Yesterday I sent a letter to National Economic Council Director-designate Dr. Larry Summers seeking further and more detailed assurances. I will ask to have that letter printed in the Record. I believe the assurances I requested are commonsense positions that are essential to a well-run, effective stabilization plan that protects taxpayers money. The assurances I requested are:

No. 1, does the incoming Obama administration assure Congress that TARP recipients will be required by the Treasury to track and report their use of TARP funds and that this information will be made available to the Congress and the public?

No. 2, does the incoming Obama administration assure Congress that recipients of “exceptional assistance” will be subject to at least the same compensation limits as have been placed on recipients of funds under the TARP’s Automotive Industry Financing Program?

No. 3, does the incoming Obama administration assure Congress that Treasury will obtain agreements from TARP recipients on benchmarks the Treasury will obtain agreements from recipients of funds under the Automotive Industry Financing Program?

No. 4, does the incoming Obama administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit? No. 5, does the incoming Obama administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

No. 6, does the incoming Obama administration assure Congress that banks which receive “exceptional assistance” will be required to submit a written financial viability plan just as was required of recipients of funds under the TARP’s Automotive Industry Financing Program?

Just a couple of hours ago, we received a response from Dr. Summers addressed to Senator Reid. The letter says that the administration will go a long way to providing positive answers to most of my questions. To summarize a few of the points:

No. 1. TARP recipients will have to track and report their lending patterns and report this information to the public.

No. 2. Healthy banks without major capital shortfalls will have to increase lending above baseline levels.

No. 3. They pledge to commit $50 to $100 billion of TARP funds to address the foreclosure crisis, and banks receiving TARP support will be required to implement mortgage foreclosure mitigation programs.

I am disappointed that the letter did not provide assurances that banks and other financial institutions receiving TARP funds will be subject to the same rigorous standards with respect to executive compensation and the submission of viability plans that Congress and the Bush administration demanded last December. I have now responded to Dr. Summers letting him know I look forward to hearing his response to the balance of my suggestions. I will ask to have that letter printed in the Record.

On a related matter, in December, the Bush administration committed to provide $13.4 billion in funds from the TARP to facilitate the restructuring of our American auto manufacturers and said that an additional $4 billion would be available in February. Of necessity, this additional $4 billion must come from the second $350 billion, and we have been assured that will happen. In return for this much-needed bridge financing, the domestic auto manufacturers agreed in December to terms and conditions that went beyond anything required of other recipients of TARP funding. There was broad support for these loans for the domestic auto industry because there was broad recognition that this industry is the foundation of the American manufacturing sector and industrial base and a recognition that its failure was simply unacceptable. We must complete the job started in December and ensure that the additional funding necessary for the financial health of this critical U.S. industry is provided in a timely manner. Support from the Federal Government is essential if the energy efficient green vehicles of the future will be produced by American companies and American workers. Other auto-producing countries are acting to assure the survival of their industries. So must we.

Perhaps because of the current administration’s record of accomplishment with the first $350 billion and the lack of accountability with which the distribution of those funds has been carried out, our economic position today is not discernibly stronger than it was 3 months ago. We are threatened by further bank failures, creditworthy consumers and businesses are having trouble accessing credit, and it appears that if we do not act our economy may decline even further.

As was the case 3 months ago, it would be irresponsible to stand by and do nothing as our economy heads toward a cliff. It would be negligent to tie the hands of the incoming administration because of the outgoing administration’s deficiencies.

I am convinced by what we know of continuing bank losses and the hurting credit markets that it would be irresponsible to refuse the President this weapon for economic recovery. Bringing about economic stabilization and restoring a healthy economy will not be an easy task. We are contracting from an unprecedented and irresponsible boom in lending over the past years, which led financial institutions to make loans to borrowers who could not repay them. Unfortunately, in the aftermath, the pendulum is swinging the other way and many banks are fearful of making any loans at all, even to creditworthy borrowers. It is my hope that with more TARP funds available, reporting requirements, and established goals, banks will resume making responsible loans. Part of this will require that Treasury focus not just on the banks that many deem “too big to fail” but also on community and independent banks that are the financial backbone of many small towns through their support of local businesses and families.

Coupled with the stimulus package Congress will consider in the next month and then a much needed financial regulatory overhaul in the spring, we can begin to turn away from the depressing economic conditions and return to a healthy economy with cops on the beat to help restore confidence in our financial system and prevent another financial disaster like the one we find ourselves in now.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
DEAR DR. LARRY: Before Congress votes on whether to release the second $500 billion in TARP funds, I would like to receive the following assurances regarding federal assistance under TARP and other programs to supplement the assurances you provided in the letter to the Congressional leadership dated January 12, 2009.

1. The second report of the Congressional Oversight Panel, issued January 9, 2009, states: "The Panel still does not know what the banks are using the TARP money for, with the Treasury placing substantial emphasis in its December 30 letter on the importance of restoring confidence in the marketplace. So long as investors and customers are uncertain about how taxpayer funds are being used, the question both the health and the sound management of all financial institutions. The recent refusal of certain private financial institutions to provide any accounting of how they are using taxpayer money undermines public confidence. For Treasury to advance funds to these institutions without requiring more transparency further erodes the very confidence Treasury seeks to restore." Your letter states that the Treasury Department will "monitor, measure and track what is happening to lending by recipients of our financial assistance.

Does the incoming Obama Administration assure Congress that TARP recipients will be required by the Treasury to track and report their use of TARP funds, and that this information will be made available to the Congress and the public?

2. The Summers letter states that recipients of "exceptional assistance" will "subject to tough but sensible conditions that limit executive compensation until taxpayer money is paid back, ban dividend payments beyond de minimis amounts, and put limits on stock buybacks and the acquisition of already financially strong companies." Does the incoming Obama Administration assure Congress that recipients of "exceptional assistance" will be subject to at least the same compensation limits as those that have been placed on other funds under the TARP's Automotive Industry Financing Program?

3. Does the incoming Obama Administration promise Congress that Treasury will obtain agreements from TARP recipients on benchmarks the recipient is required to meet so as to advance the purposes of TARP?

4. Does the incoming Obama Administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit?

5. Does the incoming Obama Administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

6. Does the incoming Obama Administration promise Congress that banks which receive "exceptional assistance" will be required to adopt a systematic residential mortgage mitigation program?

7. Does the incoming Obama Administration assure Congress that recipients of assistance under TARP and other federal programs will be required to develop and submit a written financial viability plan just as was required of recipients of funds under the Automotive Industry Financing Program?

Thank you for your prompt response on this important matter.

Sincerely, 
CARL LEVIN.
been the case. The language authorizing the TARP program has been interpreted to allow Treasury to change the game plan and use the funds for things outside the scope of congressional intent. Less than 2 weeks after enactment of the program, Secretary Paulson announced a "no hold" rule and a "no ask" rule to use TARP funds to recapitalize banks—a decision that was made with little or no input from Congress and was an option that was explicitly rejected by Paulson and Bernanke when they were selling the TARP plan to Congress.

In fact, just this morning the Wall Street Journal reported that Bank of America is close to finalizing a deal with the Government which will give them billions of dollars in U.S. aid. The lead article on the Journal’s front page states: “(The commitment of the funds is further evidence of the banking system’s delicate condition and its hunger for more capital, despite billions already invested in financial institutions by the government. So far, the U.S. government has already injected $25 billion into Bank of America.”

The Associated Press recently investigated how the TARP funds given to U.S. banks were being spent. An article published on December 22, 2008, reported what they found. It was astonishing. The article, titled “Where’d the bailout money go? Shhhh, it’s a secret” reads partly:

WASHINGTON (AP)—Think you could borrow money from a bank without saying what you were going to do with it? Well, apparently when banks borrow from you they don’t feel the same need to say how the money is spent.

After receiving billions in aid from U.S. taxpayers, the nation’s largest banks say they can’t track exactly how they’re spending it. Some won’t even talk about it...

“We’re choosing not to disclose that,” said Kevin Kelly, a spokesman for New York Mellon, which received about $3 billion.

Thomas Kelly, a spokesman for JPMorgan Chase, which received $25 billion in emergency industry money, said that while some of the money was lent, some was not, and the bank has not given any accounting of exactly how the money is being used.

“We have not disclosed that to the public. We’re declining to.,” Kelly said.

The Associated Press contacted 21 banks that received at least $1 billion in government funds. None offered a written response to four questions: How much has been spent? What was it spent on? How much is being held in savings, and what’s the plan for the rest?

None of the banks provided specific answers.

“We’re not providing dollar-in, dollar-out tracking,” said Barry Koling, a spokesman for Atlanta, Ga.-based SunTrust Banks Inc., which got $3.5 billion in taxpayer dollars.

Some banks said they simply didn’t know where the money was going. “We manage our capital in its aggregate,” said Regions Financial Corp. spokesman Tim Deighton, who said the Birmingham, Ala.-based company is not tracking how it is spending the $3.5 billion it received as part of the financial bailout.

There has been no accounting of how banks spend the funds. Tim Deighton and Barry Koling both summed up the executive’s response to lend the money—not to hoard it or spend it on corporate bonuses, junkets or to buy other banks. But there is no process in place to make sure that’s happening and there are no consequences for banks that do.

Pressured by the Bush administration to approve the money quickly, Congress attached nearly no strings to the $700 billion bailout. In a statement just before the vote President Bush said that he had “failed to address a number of critical issues while implementing the $700 billion financial bailout plan, including how to ensure its efforts are successful.”

At the time I said that, before they ask for assistance, the automakers will need to change dramatically the way they do business if they hope to be on course for long-term profitability. Rather than seeking an unconditional handout from the taxpayer, industry leaders must first consider how they can restructure their business models in order to fix the problem themselves and build more competitive products—including changes in management, re-negotiating labor agreements, and re-organizing under the bankruptcy process. And, that they should have been doing so months, if not years, ago.

When I opposed the auto bailout plan last month it was mainly because I felt that the automakers needed to prove to Congress and the American people that they were serious about making the changes necessary to ensure their long-term success before they sought assistance from the taxpayer. Unfortunately, those concerns were ignored by the President when he decided to give away over $17 billion in TARP funds to the domestic automakers with no assurances that they would fundamentally change the way they do business to ensure their viability. I continue to believe this was a critical mistake.

In their first oversight report on TARP spending, the Government Accountability Office, GAO, was very critical of Treasury stating that they had “failed to address a number of critical issues while implementing the $700 billion financial bailout plan, including how to ensure its efforts are successful.” The report adds that Treasury “has no policies or procedures in place for ensuring the institutions ... are using capital investments in a manner that holds them accountable for their intent.” Additionally, the GAO reported that “Treasury cannot effectively hold participating institutions accountable for how they use the capital injections or provide strong oversight of compliance with the requirements under the act.”

In addition to the GAO, many of my colleagues have been very critical of Secretary Paulson and his handling of the $700 billion bailout. Madam President, I again say that he has ignored the intent of the bailout legislation because he has done little to address the root cause of the financial meltdown—namely the mortgage market. I understand the anger of my colleagues, indeed, I share it.

It is abundantly clear that there has been a stunning lack of transparency, accountability, and effective management of TARP funds to date. Because of this, I will not support the release of another dime of these funds without first seeing a full and complete accounting of funds already spent or committed as well as the imposition of very strict conditions on the remaining funds as a way to ensure any expenditures reflect the intent of Congress.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the RECORD.

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

REQUESTING A TARP DISAPPROVAL RESOLUTION


U.S. CONGRESS,
WASHINGSTON, DC.

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpayers citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining $350 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless resolved to support it. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson abandoned this concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.

In addition to misleading Congress about its intent on the use of TARP funds, Secretary Paulson has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.

The TARP legislation specifically requires that before the second half of the $700 billion in TARP funds is released, the President must provide Congress with a written report detailing how the additional funds are to be used. A request to spend the second half of the funds without restraint does not meet the requirements set forth in the bill. In addition to requiring this detailed plan, Congress should require an accounting and detailed explanation on how the $700 billion in TARP funds is allocated and the prospect of a taxpayer recovery of these funds.

Congress now has an opportunity to present a plan of the taxpayer bailout and should spend the necessary time studying the underlying causes of the economic down-
turn by passing a TARP disapproval resolution. We encourage you to take such action.

Sincerely,

[Signature]

[Name]

[Title]

[Organization]

---

[By Matt Apuzzo, Dec. 22, 2008]

[Response]

[Name]

[Title]

[Organization]
without any assurances or clear plans on how to increase transparency, oversight and lending. Thankfully, the President-elect and his advisors have sent Senator Reid a letter clearly laying out new measures creating transparency, refocusing the funds on front-line problem solving, attracting tax-investments. As we move forward, I am confident that Congress and the new administration will work together to continue to promote economic stability, preserve homeownership, and protect investors.

Mr. SPECTER. Madam President, I have sought recognition to discuss the resolution of disapproval on the release of the final $350 billion of the economic rescue package. At the outset, I am dissatisfied with the way the first $350 billion has been spent because of failure to deal with the home mortgage issue, the ineffectiveness in restoring normal lending to consumers and businesses, and the lack of transparency. The Treasury Department started off by stating that it would purchase toxic securities backed by troubled home mortgages but has since shifted to providing funds for the banks, some of which didn't want them. The public is thus left to wonder where the money was spent. One of the key problems has been foreclosures, which the first $350 billion hasn't begun to deal with. Good ideas like FDIC Chairwoman Bair's have been rejected.

As a matter of public policy, I am opposed to bailouts. In our free enterprise system, the market, not the Government, should determine winners and losers. However, there is a necessary exception when the potential consequences of failing to provide Federal economic aid could produce a devastating effect on the economy. That was the basis for the very tough vote which I cast in supporting the $700 billion economic stabilization package because I believed that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy. I objected to the process used to consider the $700 billion package. Insufficient consideration by the Treasury Department and the Federal Reserve followed by a rush to judgement by Congress resulted in legislation that had not been given appropriate consideration. I wrote a series of letters and advocated for the Senate to follow regular order, which starts with the introduction of legislation, committee hearings and markup, debate and amendment by individual Members, and the House-Senate conference. The President then reviewed the final bill.

Ultimately, Congress did not follow regular order. Instead, Senators were only given a chance to vote yes or no on what started as a 4-page memorandum from the Treasury Department and quickly grew to 414 pages. As a result, the hurriedly considered undesirable pork provisions. Had there been an opportunity to offer amendments, these undesirable provisions could have been removed. In a series of town meetings in October, I found the temperature of my constituents at 212 degrees Fahrenheit.

We are now confronted with a decision of whether to release the final $350 billion of rescue funds. The authorizing legislation passed by Congress in October did not release the entire $700 billion immediately, but instead there have been installments of $250 billion, $100 billion at the request of the President and $350 billion more subject to congressional objection. At the time, I raised concerns that a resolution of disapproval by Congress on the initial $350 billion may be unconstitutional under the Supreme Court decision in INS v. Chadha. The resolution of disapproval requires a majority vote in both Houses for adoption and is subject to a veto by the President.

In coming to a determination of how to vote on the resolution of disapproval, I want to evaluate the effectiveness of the program to date, whether the ongoing administration has carried out its responsibilities as intended by Congress, the intentions of the incoming administration to utilize the program, and the necessity for further market stabilization based on current economic conditions. The $700 billion economic rescue was requested by the administration in September as major financial institutions were in dire trouble as a result of toxic assets on their balance sheets. Treasury Secretary Paulson and Federal Reserve Chairman Bernanke warned of an imminent meltdown in financial markets which would threaten retirement funds, jeopardize the jobs of millions of Americans, and subject homeowners to more evictions. Major institutions such as Bear Stearns, Lehman Brothers, and AIG had already reached a tipping point, and the Federal Government began to prepare each for possible bankruptcy. I felt it important to evaluate the basis of whether to extend assistance. The stock market followed each move closely. It was argued that unless financial institutions were able to sell off securities backed by souring assets such as subprime mortgages there would be additional failures that would jeopardize the worldwide markets in an irreversible manner.

After enactment in early October, the Treasury Department quickly embarked on events in the Troubled Asset Relief Program, or TARP as it came to be known. In what was widely seen as a reversal of position, on October 14, 2008, the Treasury Department announced that $250 billion would be devoted to purchasing senior preferred shares in financial institutions as part of the Capital Purchase Program, CPP, to “encourage U.S. financial institutions to build capital to increase the flow of financing to U.S. businesses and consumers and to support the U.S. economy.” On January 14, 2009, article in the New York Times, 257 financial institutions in 42 states had received $192 billion in capital injections from the CPP, with 7 of those firms receiving 62 percent of the funds. Additional funds have been devoted to AIG, $40 billion; Citigroup, $25 billion; the auto industry $19 billion, and to backstop a Federal Reserve program to buy consumer loans.

While these initial investments may be viewed as a success in fending off an outright collapse of our financial markets, there has been little evidence thus far that there has been a loosening of the credit markets resulting in increased lending by banks to consumers and businesses. Instead, there has been widespread dissatisfaction among my constituents that the funds given to banks have been used for global buyouts, as exemplified by Bank of America seeking a larger stake in China Construction Bank, PNC Financial Services Group taking over National City Corp., and USB acquiring several California lending firms. All three firms received TARP funds. I also have concerns over ever-increasing payments by participating firms using TARP funds for corporate sponsorships, as exemplified by Citibank completing a 20-year contract to pay the New York Mets $400 million to name the team’s new stadium “Cit Field” and by AIG paying the British soccer team Manchester United $125 million for the privilege of having its logo appear on its uniforms. There has also been inadequate transparency and accountability thus far. In my view, this was done by the taxpayer when Congress enacted the authorizing legislation. My constituents have been frustrated to learn so little about how their money is being used by these financial institutions and about the amount of lending that is taking place. I supported the $700 billion economic rescue package because I felt that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy. However, I also led to believe that there would be significant oversight and transparency to accompany the broad powers that have been granted.

This lack of transparency presents a serious challenge to the oversight panels created as part of the authorizing legislation. According to a December 2, 2008, Government Accountability Office, GAO, report, the Treasury Department has not yet imposed reporting requirements on the financial institutions. Doing so would enable Treasury to monitor how the infusions were being used and whether they are meeting the goals of increasing the flow of financing to U.S. businesses and consumers and encouraging the modification of existing residential mortgages for those in need. The GAO report also raised questions about Treasury efforts in achieving its intended goals and monitoring compliance with limitations on executive compensation and dividend payments.

The five-member Congressional Oversight Panel, COP, created to oversee the implementation of the economic
rescue program has been very critical thus far, suggesting that more accountability should be in place before the final $350 billion is released. The panel is chaired by Harvard professor Elizabeth Warren, and its other members represent banks, the Government Accountability Office, the New York State superintendent of banks Richard Neiman, AFL-CIO associate counsel Damon Silvers, and former Senator John Sununu. On December 10, the panel released its first report which contained 10 questions for the Treasury Department. Its second report, released on January 9, 2009, analyzed Treasury’s answers and stated that its “initial concerns about the TARP have only grown, exacerbated by the shifting explanations of its purpose and the tools used by the Treasury.” It reported that Treasury still has not adequately explained how it is selecting banks for its capital injection program or its strategy for stabilizing the financial markets. It acknowledged that the TARP, which was established to prevent financial collapse, but with “no demonstrable effects on lending.” Also, it said that Treasury has no ability to ensure banks lend the money they have received and no standards for measuring the impact of the program. It also noted that Treasury ignored or offered incomplete answers to some questions.

The authorizing legislation also created a Special Inspector General with authority to track and investigate how the Government spends the TARP funds. The President selected, and the Senate confirmed, Neil M. Barofsky, a former New York assistant U.S. attorney, for this position. According to a January 7, 2009, letter to Finance Committee Chairman Baucus, Mr. Barofsky has had some success in pushing Treasury to include more restrictions on any funds given out in future transactions. As a result, the letter said, Treasury had included new standards to encourage companies to establish new internal controls and account for the Government funds they receive. Mr. Barofsky’s first formal report is due to the Finance Committee on February 6, 2009.

There is further frustration from an investigation conducted by the Associated Press, AP, showing that there has been insufficient transparency into the operations of the banks that have received the TARP. The AP reviewed 21 banks that received at least $1 billion in Government money and asked four basic questions: How much has been spent? What was it spent on? How much is being held in savings? And, what is the plan for the rest? According to the AP, none of the banks provided specific answers. If the oversight panels are unable to get answers to these very basic questions posed by the AP, they will be unable to adequately determine the effectiveness of the TARP program.

I believe that the onus is on the Treasury Department and the Federal Reserve to impose reporting requirements on the participating financial institutions. It is imperative that the American public have a full understanding of how their hard earned tax dollars are being used. In the absence of action by the Treasury Department to provide detailed and public reports, Congress has been forced to consider taking additional legislative action. I cosponsored legislation—S. 133, the Troubled Asset Recovery Program Reporting Act—introduced on January 6, 2009, by Senators Dianne Feinstein and Olympia Snowe that would require participating financial institutions to provide detailed, publically available quarterly reports to the Treasury outlining how the funds have been used. This legislation further requires that TARP funds not be used for lobbying expenditures or political contributions. Additionally, this legislation requires the Secretary of the Treasury to develop and publish new standards for principles and ethical guidelines for recipients of such funds, including but not limited to restrictions governing the hosting, sponsorship, or payments for conferences and event, and expenses relating to lobbying, personal and auxiliary corporate expenses. Violators of this legislation would be subject to civil penalties including fines and may become ineligible for future emergency economic assistance.

I have additional concerns that there has been little emphasis on foreclosure mitigation assistance in the TARP program. On November 14, 2008, FDIC Chairman Sheila Bair proposed a plan to forestall foreclosures by offering banks an incentive to modify mortgages by having the Government agree to share in the loss of a loan that fell into default. Specifically, mortgage payments for homeowners that are at least 2 months delinquent would be reduced to 31 percent of their monthly income by modifying the interest rate, extending the repayment period, and deferring principle. To encourage servicers to participate, the Government would share up to 50 percent of the losses if a homeowner who had received a modification later defaulted, and the FDIC would pay servicers who process mortgages $1,000 for each modified loan. The plan was expected to initially help 2.2 million borrowers get new loans, and after one year, 9 million borrowers and 4.6 million homes would ultimately keep their homes. The plan was estimated to cost approximately $24 billion.

The FDIC plan was rejected as the Treasury Department looked at other strategies, including ways to reduce interest rates on distressed loans. However, in the end, neither approach has been implemented. They have instead relied on industry-led efforts by Fannie Mae, Freddie Mac, and others to voluntarily modify troubled loans. In the December 2008 GAO report, it was noted that Treasury had initially intended to purchase mortgage backed securities and use its ownership position to influence loan servicers and to achieve more aggressive mortgage modification standards. The Treasury changed its strategy within weeks and, instead, decided to make capital injections into financial institutions. It also noted that despite language in the lending agreements with these financial institutions to work under existing programs to modify the terms of residential mortgages, “it remains unclear what the Treasury’s Office of Financial Stability and the banking regulators will monitor how these institutions are using the capital injections to advance the purposes of this act...” The Congressional Oversight Panel chair Elizabeth Warren echoed this sentiment, “The bailout money doesn’t require a specific approach. It entrusts Treasury with developing an approach, and that’s what Treasury should be doing.”

The incoming administration has sought to assure Congress that it would make a number of changes to the TARP program, including a “sweeping effort to address and reduce mortgage payments for responsible homeowners.” It has promised efforts to boost consumer and business lending. It has also said it will improve transparency and accountability for participating firms. However, there have been few details on exactly how they plan to move forward.

It has been argued that further deterioration in the economy will require additional intervention. Lawrence Summers, who has been chosen to head the National Economic Council by President-elect Obama, has called the need for the second round of funds “imminent and urgent.” In addition, it has been argued that a failure to release the second half of the TARP funding could once again frighten the markets and lead to a sharp drop in the Dow. The 777-point plunge in the Dow plunge on September 29, 2008, in the wake of Lehman’s rejection, demonstrated the potential for even greater problems if Congress did not act.

Amidst the various criticisms that have been raised against the TARP program and its implementation by the outgoing administration, many economists remain concerned about the state of the financial system. Federal Reserve Chairman Bernanke has expressed concern about the world economic outlook and has suggested that foreclosure prevention and purchases of troubled assets might be useful tools to help the economy in the near term. Bernanke also commented that fiscal stimulus would not be enough to support the economy. With respect to the TARP program, Chairman Bernanke said on January 13, 2009, “...Treas...
global financial meltdown in the fall . . . with the worsening of the economy’s growth prospects . . . more capital injections and guarantees may be necessary to ensure stability and the normalization of credit markets. He also said: “Responsible policymakers must therefore do what they can to communicate to their constituencies why financial stabilization is essential for economic recovery.”

Also on 13, 2009, the Fed Vice Chairman Donald Kohn said, “The remaining TARP funds will play an essential role in further strengthening the financial system and restoring normal credit flows . . . An important use of these funds will be to step up efforts to avoid preventable foreclosures . . . more needs to be done . . . A continuing barrier to private investment in financial institutions is the large quantity of troubled, hard-to-value assets that remain on institutions’ balance sheets. The presence of these assets significantly increases uncertainty about the underlying value of these institutions and may inhibit private new lending.”

According to a January 14, 2009, article in the New York Times—mentioned earlier—“Some banking experts are even questioning if the bailout may be doing more harm than good.” It cited a struggling small bank in Michigan that had made a series of bad loans but had been given a “cushion” instead of allowing it to “sink or swim” on its own. The article suggested that by doing so, “It could also delay mergers of weaker banks with healthier ones.”

With a projected deficit of $1.2 trillion for 2009 and a possible $800 billion expenditure on a stimulus package in the next few weeks, Congress must be vigilant in its use of the taxpayer’s dollars. At the current time, there appears to be no immediate threat to our financial system, which raises the question of whether the additional authorization is needed at this time, especially in light of the failures with the program so far.

Based on a comprehensive evaluation of these issues, I am reluctant to support an additional authorization of $350 billion at this time. To date, I have seen little evidence that the TARP program has been effective in increasing lending by the institutions who have received billions in taxpayer dollars. I also have serious questions about the effectiveness of existing programs to help homeowners and whether additional steps should be taken. Further, unless steps are taken to significantly improve oversight and transparency of the TARP program, my constituents and I will not feel confident that accountability and transparency will be achieved.

Mr. GRASSLEY. Madam President, many Senators, including this one, reluctantly supported the Troubled Asset Relief Program last year because we were told by the so-called experts that our financial markets were on the verge of collapse. We were told that we had to deal with the toxic mortgages that were clogging up our financial markets by having the government purchase them at an auction and hold them until the markets stabilized. The theory was to put the toxic assets on the banks’ balance sheets and provide them with additional funds to lend to credit worthy borrowers.

I had serious doubts about the original plan, but it has never been implemented. Instead, the money has been used to invest directly in select financial institutions. Essentially, it has become a slush fund for the Secretary of Treasury to engage in an erratic industrial policy of picking winners and losers among the banks directly, or indirectly, connected to our financial markets.

I am deeply troubled by this outcome. I believe Congress was mislead with respect to the financial crisis as well as the intended use of the funds. Moreover, the administration’s decision to use funds to provide assistance to the U.S. automobile industry was contrary to congressional intent.

The ever-changing nature of the TARP program has introduced a new level of uncertainty into our financial markets. Market participants no longer know what or where the Federal Government will intervene. This unpredictability has a chilling effect on investors and undermines the ability to raise capital and make new loans.

The outgoing administration has misused these funds and failed to provide adequate accountability. But, the vote today is about the use of the remaining funds by the incoming administration. Unfortunately, they have expressed a desire to pursue an even more vigorous policy of picking winners and losers, with an extra dose of micro-management thrown in for good measure.

The efficient allocation of credit is vital to the successful operation of our economy. Without saving and investment, there can be no long-term economic growth. Banks and other financial institutions play a critical role in bringing savers and investors together and allocating credit to its most productive use.

To operate successfully, credit markets need transparency and accountability. Transparency is achieved through the reporting and disclosure of assets and liabilities. Accountability is achieved through the proper alignment of risk and reward. Those who accept risk should profit from their success and pay for their losses.

Unfortunately, we have allowed ourselves to undermine the very foundation of our credit markets through a series of well-meaning, but ultimately misguided actions. The continuation of the Troubled Asset Relief Program will not address these fundamental problems. We need a new approach. I’m hopeful Congress will be able to work with the new Administration in the upcoming months to improve our financial markets and revitalize our economy.

Ms. MIKULSKI. Madam President, before I voted for the bailout I said, regrettably, a bailout is needed. I voted to get credit flowing again to the distressed homeowner, to families and to small businesses. I didn’t vote to give the money to banks to enable them to continue their flawed policies, their hubris and their high handedness. And I didn’t do it so they could be ungrateful, buy other banks, or give out dividends, and to take executives on spa treatments. I was mad as hell that the Wall Street Master of the Universe took us into a black hole. And I am mad as hell now that they didn’t thank the taxpayers.

The Bush administration misled us about what they would do with the money. Now we’re finding both they and the banks misused the funds, abusing the taxpayer and squandered both the money and our morality. I said if we were going to have a bailout we needed three things, rescue, reform, and retribution. I said, no blank checks and no checks without balances, help homeowners, and guarantee no golden parachutes for the people who got us into this mess. Did the Bush administration listen? No. Paulson dodged and ducked, and the taxpayers got duped. Distressed homeowners were left in the lurch. Bernie Madoff is in his luxurious penthouse and homeowners are being foreclosed and evicted. What’s wrong with this picture?

We have already given $350 billion to the big banks, who said they were going to lend it, and said they were going to make good on their promise. But instead, we have gotten hoarding, and resistance. Banks don’t want to tell us what they are doing with our money. When I voted for the rescue plan, I thought I was voting for dealing with the credit crisis, and bringing the financial system to some form of stability. But what has happened is, instead of helping with jobs, we have been helping with banks.

The banks said we want taxpayer money and we want to buy the highway. But thankfully, on Tuesday it’s going to be a new day and a new way. Obama met with us this week on his economic agenda. We had a robust give and take. The number one priority we agreed upon is job creation. We need to make sure that for people who have jobs, they get to keep them and feel more economic security. And for people who are out of work, not only to provide a safety net on unemployment benefits, but create opportunities for putting people back to work. We need to give President Obama the tools he needs to get our economy going again. We shouldn’t hold the misdeeds
of the Bush administration against him.

We need to work together. People don’t want to talk about butting heads, they want to talk about kicking butt with the banks. And the President-elect and I have a lot in common. I’m not helping President-elect Obama kicking butt, to work with people who are in danger of losing their homes, not with a bailout but with a workout. The banks have to get off the bailout shackle, and start to get on the workout shackle with homeowners.

This week, the President-elect huddled with us, to talk about how his plan is different than the previous administration. We need vigilance and responsibility that’s what President Obama has pledged. Three major areas that we will work with the Obama administration are number one, oversight and regulation. We will put real financial cops on the beat to make sure money goes where it is supposed to. Number two, a sweeping, comprehensive effort to address the foreclosure crisis, we will use TARP money to get to the root of the crisis, keep people in their homes, and save neighborhoods. Number three, get tough and insist on transparency. Banks cannot just take the money and run. The new plan will make them tell us what they are doing, no dividends, no giving money to banks to buy other banks, no golden parachutes, and no spa treatments.

I will not support the additional TARP money. Not because I support the banks and Wall Street, but because I support our new President, and because I support giving him the tools to get our economy rolling again. But we need a major attitude adjustment. It is not only what we hear from the banks, it is what we do not hear from them. There is no sense of gratitude. There is no sense of gratitude that the waitress, the single mother, the farmer, the firefighter, is willing to help. There is no gratitude, no promise to sin no more, no “let’s make amends.” Instead, they pay themselves lavish salaries, bonuses and perks, like lavish spa retreats.

At $350 billion, I don’t want to be a passive investor. Congress and the new President must tell Wall Street, “You need to go to work and dig out of this mess. Help rescue the economy, not the Wall Street managers. Work for America, it is America that is paying your bonuses, your perks, your benefits. Give us your energy. It is time to restore our economy and restore our national honor. So pull up your pants and your pantsuits, and go to work and let’s rebuild this economy.”

Mr. President, I will oppose the joint resolution of disapproval and vote to release these funds, but I do so adding my voice to those putting the incoming administration on notice. This is an enormous sum of money and authority being given to the Treasury Department, and it is especially worrisome because the American public has little confidence in this program. Its transactions are opaque. Its potential for abuse is enormous. Its effect on the economy remains uncertain.

According to the public letter sent this week from the Senate, the incoming administration’s economic team has committed to a “full and accurate accounting” of how these monies are invested and ensuring that these resources are not “enriching shareholders or executives.” It will be interesting to see if that is what today is considering legislation to hold the new administration to its commitments, and I hope the Senate will do the same.

Other promises and commitments are being made, at private briefings and closed-door caucuses, as the new administration tries to cajole Senators to oppose this disapproval resolution. That is unfortunate because I believe it further undermines an already quiescent public, which could come to use it as a symbol of a government that has no more transparency, and not less. I realize that the new administration inherited this financial mess and that it is trying to do the best with the hand that it has been dealt. But I hope that it will work with the American people and their representatives so that the manner in which it is doing it will display more transparency and, indeed, have faith in the wisdom of an informed public.

Having authorized this program only 15 weeks ago, I think the Congress should give it time to work. By any objective measure, the economy is getting worse. West Virginia’s unemployment rate is rising, and it has lost hundreds of manufacturing jobs in recent months. In the last 2 months, Toyota announced that it would lay off 120 workers at its plant in Buffalo, an Ohio-based packaging manufacturer announced it would close its plant in Culloden, laying off 41 workers. The Bayer MaterialScience plant in New Martinsville, which makes polymers that are used in the automobile and housing industries, announced it would lay off 70 workers. Columbian Chemical Company announced that it would close its plant near Moundsville, laying off 55 workers.

If the new administration says it needs these tools, then I am willing to give it some latitude. But I caution this administration, the American people must have transparency. They must see effective oversight. They must make sure that this is not another Ponzi scheme, concocted by Madoff-type, money-hungry, Wall Street fat cats, who don’t care about homeowners, and are asking for this money not to use it the right way, the old way, an imperceptible way, but to use it with transparent consequences. They must make sure that no one in this room has ever seen, or will ever see, such a program, which could potentially spin out of control, reaching into the room of Speaker NANCY PELOSI when she was called in, Democrats and Republicans, House and Senate leaders, and sat around a large conference table with the Secretary of the Treasury, Hank Paulson, and the head of the Federal Reserve, Ben Bernanke. They opened the meeting by saying that America is facing an economic crisis that no one in this room has ever seen, which will spin out of control, reaching into the room of Speaker NANCY PELOSI when she was called in, Democrats and Republicans, House and Senate leaders, and sat around a large conference table with the Secretary of the Treasury, Hank Paulson, and the head of the Federal Reserve, Ben Bernanke. They opened the meeting by saying that America is facing an economic crisis that no one in this room has ever seen, which will spin out of control, reaching into the room.

According to the public letter sent this week from the Senate, the incoming administration’s economic team has committed to a “full and accurate accounting” of how these monies are invested and ensuring that these resources are not “enriching shareholders or executives.” It will be interesting to see if that is what today is considering legislation to hold the new administration to its commitments, and I hope the Senate will do the same.

Other promises and commitments are being made, at private briefings and closed-door caucuses, as the new administration tries to cajole Senators to oppose this disapproval resolution. That is unfortunate because I believe it further undermines an already quiescent public, which could come to use it as a symbol of a government that has no more transparency, and not less. I realize that the new administration inherited this financial mess and that it is trying to do the best with the hand that it has been dealt. But I hope that it will work with the American people and their representatives so that the manner in which it is doing it will display more transparency and, indeed, have faith in the wisdom of an informed public.

Having authorized this program only 15 weeks ago, I think the Congress should give it time to work. By any objective measure, the economy is getting worse. West Virginia’s unemployment rate is rising, and it has lost hundreds of manufacturing jobs in recent months. In the last 2 months, Toyota announced that it would lay off 120 workers at its plant in Buffalo, an Ohio-based packaging manufacturer announced it would close its plant in Culloden, laying off 41 workers. The Bayer MaterialScience plant in New Martinsville, which makes polymers that are used in the automobile and housing industries, announced it would lay off 70 workers. Columbian Chemical Company announced that it would close its plant near Moundsville, laying off 55 workers.

If the new administration says it needs these tools, then I am willing to give it some latitude. But I caution this administration, the American people must have transparency. They must see effective oversight. They must make sure that this is not another Ponzi scheme, concocted by Madoff-type, money-hungry, Wall Street fat cats, who don’t care about homeowners, and are asking for this money not to use it the right way, the old way, an imperceptible way, but to use it with transparent consequences. They must make sure that no one in this room has ever seen, or will ever see, such a program, which could potentially spin out of control, reaching into the room.
so that businesses can survive, and to inject perhaps hundreds of billions of dollars into mortgage foreclosure so that people can stay in their homes and the real estate market bottoms out.

Listen, if we don’t do that, this is going to go from bad to worse, and 17,000 jobs a day lost in America could double—yes, it could—by doing nothing. And those who vote yes on this are standing for that premise: Do nothing. Don’t trust this new President. Don’t trust this Administration. Trust us. Just wait, things are bound to get better.

I am not one of them. I want to give President Obama the tools he needs to breathe life back into this economy, to give working families a fighting chance, to create good-paying jobs in this country, to give small businesses a chance to survive, to provide a decent income and some benefits for their workers, and maybe to preserve some basic industry in this country so there still will be manufacturing jobs in America. We can’t achieve that by doing nothing.

As badly as this money has been managed—the first $350 billion—we have to look forward. Some of the people who managed the first $350 billion could not imagine an America without the giants, such as Goldman Sachs. I can’t imagine America without our middle class, without working families, who really form the basis, the bedrock, the foundation for the growth of our economy and the growth of our democracy.

I am going to be voting with the faith that this new administration, with new leadership and new eyes and new vision and new values, will invest this money properly so that we can turn this economy around and build a strong American future.

Madam President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, as the distinguished Senator from Illinois said, this election was supposed to be about change. Yet his speech is eerily repeated. The times demand an open checkbook; give us unfettered discretion. The problem is, the report makes crystal clear there is no accountability.

The first main issue the Congressional Oversight Panel examined was bank accountability. What are banks doing with the money? Are they using the money in a way that was intended, particularly to increase credit availability to citizens and businesses? The Congressional Oversight Panel’s bottom-line conclusion on that is pretty simply stated:

The panel still does not know what the banks are doing with taxpayer money.

It couldn’t be stated more clearly. The Treasury doesn’t know, the oversight panel doesn’t know, nobody knows.

The Associated Press, on December 22, issued a report about an investigation of 21 banks and what they were doing. They mostly didn’t get any answers, but Morgan Chase, which received $35 billion, gave this detailed, sophisticated answer:

We have lent some of it, we have not lent some of it. We have not given any accounting of saying here is how we are doing it.

Period. In fact, Treasury has the authority to require banks to report on their use of funds as a condition for the receiving of funds. Guess what. Treasury declined to make that requirement.

Point No. 2 of the report: transparency and asset evaluation. TARP was, in large part, to shore up healthy banks. Yet there is no metric, there is no rule written anywhere about how Treasury is determining what a healthy bank is.

Point No. 3: general strategy. TARP has been a moving target. The whole model has changed week to week. In fact, we still call it TARP—the Troubled Asset Relief Program—but that idea was thrown out the window 2 weeks after Congress originally passed the program. So the Congressional Oversight Panel had another basic question: What is the general strategy as to how you are going to stabilize the economy? What are you doing? Why should that be the focus? And rather than providing any detailed explanation, Treasury’s explanation was that they are working to “stabilize the economy.” Well, that is a lot of detail. That is accountability. That makes me feel better.

This has been the history of the TARP, and the question is, Are we going to allow it to remain the history and move on to the second $350 billion of taxpayer funds?

I am not a banking or financial expert and I do not own a crystal ball. I can’t see into the future. I can’t predict what crises will or will not occur concerns the first time around. If we插座ing this economy is turning the corner and is improving and we don’t have many challenges ahead. But I can predict this: If we don’t pass this resolution of disapproval, nothing will change in the TARP. There will be unfettered discretion; and trust us.

Even with an intervening election that was supposed to be about change, the question remains: Are we going to change or not? Are we going to go down precisely the same path? The American people had serious questions and concerns the first time around. If we accept that speech again—oh, we are in a crisis; you have to act; you can’t even wait until tomorrow; you have to pass this blank check; unfettered authority; trust us.

Even with an intervening election that was supposed to be about change, the question remains: Are we going to change or not? Are we going to go down precisely the same path? The American people had serious questions and concerns the first time around. If we accept that speech again—oh, we are in a crisis; you have to act; you can’t even wait until tomorrow; you have to pass this blank check; unfettered authority; trust us.

The American people are again today debating the second half of this huge $700 billion program.
the other side, so I will retain the floor until then.

Madam President, again, to me, that is the question. It is not about whether you think the economy is healthy—put me down for an unhealthy economy. It is not about whether we think there are rosier times ahead or there may be serious problems. Put me down for there may well be very serious problems. In fact, put me down for there are going to be, we just don’t know precisely what they are going to be.

But what does not justify what we have before us. That does not justify an open checkbook, unfettered discretion, and mere acceptance of promises and pleas to trust us.

The American people are demanding something far more than that, and they deserve something far more than that. The question is, Is anything going to change? After 2 years of debates about change, the question is, Is anything going to change? Continuing down the path to the second half of the TARP would represent a complete lack of change. It would represent complete continuity between one administration and the next. It would represent complete continuity between one Wall Street Treasury Secretary and the next, complete continuity between mere promises and pleas to trust us, and nothing more than that.

Put me down for wanting change. Put me down for demanding change. This is the time and the place to do it. Obviously, change in this program can only occur if we pass this disapproval resolution. Change will never occur if we defeat it because then the new administration will have a blank check, it will have unfettered discretion, it will have our answer to “trust us”—Sure, why not? When any administration has that, they are not going to restrict themselves, they are not going to put more rules in place, they are not going to tie their own hands. By definition, the administration wants to maximize that unfettered discretion, that open checkbook. The question is, Are we going to not demand change and give them that? Or make change happen right here, right now, with regard to this new central program, in terms of our struggling economy?

Madam President, I ask unanimous consent to have printed in the RECORD this two-page letter from 26 broad-based economic, financial, and other citizen groups from around the country, requesting in very clear, strong terms our passage of the TARP disapproval resolution.

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

AN OPEN LETTER TO THE UNITED STATES CONGRESS REQUESTING A TARP DISAPPROVAL RESOLUTION

JANUARY 15, 2009

U.S. Congress, Washington, DC

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpaying citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining $500 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless endorsed the concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit and help businesspeople thrive. In fact, put me down for there may well be very serious problems. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson has now invaded the free market, propelling up some companies to the detriment of others. There may well be very serious problems. We thought that the American people are demanding something far more than that, and that is something everything sees. But what we do not see is his skill as a legislator, behind doors, in his committee and working with us. And he has done a great job working with Senator Shelby and the Administration. But, I always agree, but they treat each other civilly, and they set the standard for the rest of us. Senator Dodd is to be recognized, as I do, for yeoman’s work on this legislation.

The Republican side, it is important to focus on Senator Judd Gregg. He deserves enormous credit as well during these last few weeks, working on this extension of Troubled Asset Relief Program.

I have been tremendously impressed with President-elect Obama. As his campaign wore on—and it was a long campaign—the American people came to realize this was a unique individual, somebody extremely brilliant academically, someone who communicates very well, and someone who worked hard and developed the trust of the American people. I have been impressed with his campaign but also with his team and their efforts to secure the second half of the Troubled Asset Relief Program, or TARP. If the actions of the President-elect on TARP are any indication, a new day is dawning in Washington, DC, and a good day, a bright day.

President-elect Obama didn’t have to take the step he did. This was a test of leadership at a time when leadership is desperately needed in our country. In this early test whether our new President will stand for what is right, not just for what is easy, President-elect Obama passed with flying colors. He and his economic team came to Capitol Hill repeatedly these past weeks, not just for a photo opportunity but to engage in real negotiations. The Obama administration generally sought the involvement of the Republicans, treating them not as adversaries or roadblocks to progress but as partners in the legislative process.

Mr. VITTER. Madam President, with the arrival of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, it is in times of unusual challenge that we are called upon to prove ourselves, as people, as Senators, as a country. With our economy struggling and the American people suffering, most Senators have risen to the challenge.

I would like to take a minute, though, to particularly speak of Senator Chris Dodd, Chairman Dodd of the Banking Committee. He and his staff spent seemingly endless days and nights, working on the rescue plan we passed last year. We thought that would be all for a while. But now that we are in this state of crisis again, Senator Dodd is the face and voice of our response to this financial crisis, I have seen admiration for Senator Dodd as one of the fine orators of the Senate, and that is something everyone sees. But what we do not see is his skill as a legislator, behind doors, in his committee and working with us. And he has done a great job working with Senator Shelby and the Administration. But, I always agree, but they treat each other civilly, and they set the standard for the rest of us. Senator Dodd is to be recognized, as I do, for yeoman’s work on this legislation.

The American people are demanding something far more than that, and that is something every see. But what we do not see is his skill as a legislator, behind doors, in his committee and working with us. And he has done a great job working with Senator Shelby and the Administration. But, I always agree, but they treat each other civilly, and they set the standard for the rest of us. Senator Dodd is to be recognized, as I do, for yeoman’s work on this legislation.

The Republican side, it is important to focus on Senator Judd Gregg. He deserves enormous credit as well during these last few weeks, working on this extension of Troubled Asset Relief Program.

I have been tremendously impressed with President-elect Obama. As his campaign wore on—and it was a long campaign—the American people came to realize this was a unique individual, somebody extremely brilliant academically, someone who communicates very well, and someone who worked hard and developed the trust of the American people. I have been impressed with his campaign but also with his team and their efforts to secure the second half of the Troubled Asset Relief Program, or TARP. If the actions of the President-elect on TARP are any indication, a new day is dawning in Washington, DC, and a good day, a bright day.

President-elect Obama didn’t have to take the step he did. This was a test of leadership at a time when leadership is desperately needed in our country. In this early test whether our new President will stand for what is right, not just for what is easy, President-elect Obama passed with flying colors. He and his economic team came to Capitol Hill repeatedly these past weeks, not just for a photo opportunity but to engage in real negotiations. The Obama administration generally sought the involvement of the Republicans, treating them not as adversaries or roadblocks to progress but as partners in the legislative process.
I appreciate the willingness of Republicans to work with him and to work with us to pass this legislation. I do not know how many votes we are going to get from the Republicans, but we will get some votes and every one of them I appreciate.

I understand the legitimate concerns of Members over the way the first half of the Troubled Asset Relief Program funds have been spent. We in Congress must never forget the funds we allocate to the American taxpayer. It is not our money, it is their money, and we must wisely spend and carefully account for every penny, as every family would, to plan their budget to make the current paycheck last until the next paycheck that they hope comes in.

We need transparency, we need openness, we need oversight. With our economy battered and further damage possibly still to come, we must give the new President every tool to try to fix this economy. Barack Obama has made it clear that he understands the mistakes of the prior administration and will not repeat them, President-elect Obama and I, and in written communications, agreed to commit substantial resources to foreclosure mitigation, as he should.

Barack Obama has also said there will be transparency, there will be oversight, and Barack Obama has said the disbursement of TARP funds will require his signoff; not a Secretary, not somebody in some clerk’s office, not a group of people, but every penny will require Barack Obama’s personal signoff.

This vote is going to be close. As many of my colleagues decide how to vote, I ask them to think about the challenges our freezing financial markets are causing our constituents. It doesn’t matter if it is Minnesota or Nebraska or Arizona or New Hampshire, without financial markets that are functional, families cannot buy a home, borrow to pay for college tuition, replace an old and rickety car or simply decide what they are going to do this weekend, because they have no money. Businesses of all sizes cannot make payroll for employees or invest in expansion to create new jobs. That is what this vote is all about. This vote is about local governments not being able to build schools but, instead, lay off teachers, lay off police officers. They are trying to pave roads and protect the public health of their citizens.

We should all be angry at the titans of Wall Street, angry because of their excesses. But inaction now would not punish the wrongdoer, it would punish the American people who are already suffering.

None of us, me included, are happy we have to take this vote. I wish we didn’t have to. But given the potentially devastating alternative, I trust my colleagues will act with sound judgment and for the long-term good of our country and in this moment of crisis.

This is one of those rare times. I voted thousands and thousands of times, but over the years I have been here since 1982, there are probably only 15 or 20 votes that are memorable. This is a memorable vote. I believe this is the road to recovery for our country.

Let’s trust Barack Obama. I look backwards to what he called “The Master of the Senate.” It was Lyndon Johnson. There is a chapter in that book that I think is so revealing as to today. Lyndon Johnson became the Democratic leader. The President of the United States at that time was Dwight Eisenhower. Eisenhower was the most popular President in the history of the country. Over an 8-year period of time, his popularity averaged 65 percent—over 8 years. So Lyndon Johnson said: I think what the guy is trying to do is the right thing so I am going to get as many of my Senators as I can, all my Democratic Senators, to join with Dwight Eisenhower to accomplish what he thinks should be accomplished.

I ask my Republican colleagues, look at Barack Obama since he has been elected. Has he set a pattern for moderation? Has he set a pattern for people coming into his Cabinet who are good no matter their party? The answer is yes. The American people are impressed with what he has tried to do to move this country forward. I ask my friends to reflect back to Dwight Eisenhower, to look now to Barack Obama. This is the time we need to move forward as Democrats and Republicans, as Americans, and do what is right. I believe this is one of those votes historians are going to record as important. I think, when some of those chapters are written in that book, they are going to say this is the beginning of the economic recovery for our country.

Madam President, is there time remaining?

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. REID. I yield that back and start the vote now. We will extend it, if necessary.

Is there a quorum present? Is there a quorum present?

Mr. SHUMER. I think we have a quorum as it appears we are on a vote.

The PRESIDING OFFICER. The joint resolution has been presented. The PRESIDING OFFICER. Is the joint resolution in order to be considered? The assistant legislative clerk called the roll.

Present and giving a live pair, as previously recorded—2

Present and giving a live pair, as previously recorded—2

Hatch, yea Tester, yea

NOT VOTING—3

Brown Running Kennedy

The joint resolution was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MCCASKILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALEXANDER. Mr. President, I voted today the same way I did in October because both the current President and the incoming President have said this is an essential insurance policy against financial catastrophe. This is not spending; this is lending money with interest that taxpayers should get back. I would not have voted this way if President-elect Obama had not assured us that he will use this money as it was intended; to keep credit flowing by strengthening financial institutions and housing markets, and not for new industry-by-industry bailouts.

The PRESIDING OFFICER. The majority leader is recognized.
LILLY LEDBETTER FAIR PAY ACT
OF 2009

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back and the Senate adopt the motion to proceed; that upon adoption of the motion, the Senate then proceed to the consideration of S. 181; that once the bill is reported, Senator Cornyn be recognized to offer an amendment; that no amendments be in order to the Hutchinson amendment prior to a vote in relation to the amendment.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 181) 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.

AMENDMENT NO. 25

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I ask unanimous consent to take the following:

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Title VII Fairness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved issues have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors a voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercised due diligence regarding the person’s rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence the claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e)(1) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(1)) is amended by adding at the end the following:

“(3)(A) This paragraph shall apply to a charge if—

(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should have been expected to have, enough information to support a reasonable suspicion of such discrimination.

(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).”

“(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.”

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

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

(2) by striking “(d)” and inserting “(d)(1)”;

(3) in the third sentence, by striking “Upon” and inserting the following: “(2) Upon”; and

(4) by adding at the end the following:

“(3)(A) This paragraph shall apply to a charge if—

(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date the person aggrieved has, or should have been expected to have, enough information to support a reasonable suspicion of such discrimination.

(C) Nothing in this paragraph shall be construed to change or modify the provisions of section 7(d)(1).

(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice involving discrimination in violation of this Act.”

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(3)) shall apply in the same manner as such section applies to a charge described in subparagraph (A)(i) of subsection (a) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) CONFORMING AMENDMENTS.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

“(1) Subject to paragraph (2), section 706(e) shall apply (other than as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section. For purposes of paragraph (2), section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section.”

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 107(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and 7(d)(5)”.

(b) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(d)(3)) to a complaint under the Age Discrimination in Employment Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

Mrs. HUTCHISON. Madam President, my amendment, which I offer along with Senators Voinovich, Martinez, Grassley, Enzi, Corker, Alexander, Bunning, Montana, and Thune, is a substitute for the underlying bill that is before us, S. 181. I hope we will, now that we have taken up the bill, fully discuss and hopefully have some amendments that will make the Fair Pay Act a bill that will serve all of the needs of our country. Paramount is the right of an employee to have redress, if that employee is experiencing discrimination. We also need to make sure that our small businesses and medium-sized businesses know that their underlying liabilities might be. That is part of business planning.

I have certainly been a person who has known discrimination. I want everyone who believes they have a cause of action to have that right.

I have also been a business owner. I know how important it is that our businesses know what their potential liabilities are. That is why statutes of limitation were put into the laws of the country, so that we have a defense, so that there would be timely filings of claims, so that there would be witnesses who would have the memory or the records or the documents to defend against a claim.

My substitute amendment allows the person who is aggrieved, when that person knows or should have known that there was discrimination, to have 180 days, approximately 6 months, to file that claim so that there will be records, there will be notice, and there will be the ability for a defense and for the person to have the fair trial with the people who would be relevant to her or his case.
To do that, we have to have that time limit that the Supreme Court has said is a reasonable time limit, if it is 6 months after the person knew or should have known. We are putting back in or we are actually codifying for all of the districts of the country that stand.

It is also important that we have the ability for that person to get into court, because that is the person who has the grievance. It is that person who should be testifying rather than someone who is being asked the question, but it is not the person who knows if they believe they were discriminated against. These are the things that my amendment addresses. We are not going to debate, although I know the distinguished Senator from Maryland is going to rebut, but I hope to have the time for us to fully debate this amendment when we take it up and when all of our Members are here.

There will be Members on my side who will not get to speak, so I am sure Members on her side who want to speak, so I wanted to lay the amendment down so everyone is on notice and has the document and can read the amendment. Then I look forward to discussing it when she is here, and we are going to take this bill up, hopefully, next week.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I want to acknowledge that we will not be debating this amendment this evening. Senator HUTCHISON has laid down her substitute. What I am so excited about is that we are actually going to be debating the Lilly Ledbetter Act and also amendments and substitutes therein. I know the Senator from Texas has a plane she is going to try to make; otherwise, we would have had a more amplified response tonight. But I am so excited this moment has finally come, that we are actually going to debate what is the most effective way we can end wage discrimination in our country and keep the courthouse door open to legitimate claims.

I am also excited that, once again, the Senate will return to a regular order. What do I mean by “a regular order”? We are actually going to bring up bills. We are not going to get lost in some of these parliamentary procedures where we entangle ourselves and strangle ourselves. This debate, that actually begins tonight, is the signal of a new day returning to some of the old ways the Senate operated, which was a regular order, where we could offer amendments, debate amendments, and vote on amendments.

This is what doing legislation is all about. Before I actually, briefly, comment on the merits, to affirm the process; you and your colleagues on both sides of the aisle, we are going to give you the opportunity to offer amendments and to debate them. We are keeping that promise. In the way HUTCHISON and MIKULSKI are kicking it off now, we are showing we are keeping our promise.

Second, this affirms the way we, the women of the Senate, want to operate. Senator HUTCHISON and I agree on the goal: ending wage discrimination and keeping the courthouse door open. Senator HUTCHISON and I absolutely disagree on what is the best way to achieve that goal. I have our legislation. She has her substitute. But though we disagree, you will see on Wednesday, as we pick up an amplified discussion, we can disagree without being disagreeable. It is time to return to civility. It is time to show that good manners produce good legislation. We look forward to a robust and amplified way of discussing this issue.

So we are going to debate Lilly Ledbetter and also the Hutchison substitute and other amendments. We will do it, if there is more tonight, and we will allow the Members who wish to offer it. I will be here. But we will be able to do it.

We strongly disagree with the Hutchison amendment. But rather than debate it, without her being here, I am going to reserve my remarks for when she is here, and we are going to show that good politics starts with good manners and a good process.

I thank the Republican leader for being so cooperative to help us set the stage for doing it. I yield the floor.

The PRESIDENT. Mr. President, I want to proceed for a few minutes as in morning business. I know Senator MURRAY is then anxious to be recognized. I ask unanimous consent that she be recognized at the conclusion of my remarks.

The PRESIDENT. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, with regard to the TARP issue we just dealt with on the floor, I voted for the disapproval resolution.

Three months ago, I voted in favor of Government action to rescue the Nation’s financial system. The early indications suggest that our actions did have a stabilizing effect. But the problems are compounded. And based on what we know about our current financial situation, it is clear the full $700 billion we voted for in October is still needed.

Republicans have insisted from the beginning that the outgoing administration agree to strict oversight and taxpayer protections related to the Troubled Asset Relief Program, the TARP. And we asked for similar assurances from the incoming administration this week when it requested the second round of TARP funds.

In response, the incoming administration graciously agreed to meet with Senators, and spent a good deal of time explaining to Republicans last night how they plan to use these funds. I want to express publicly our appreciation for their time and for their efforts.

After last night’s conversation, Republicans asked for one more thing: a public assurance from the incoming administration that these funds would be spent in a manner consistent with the original purpose of the TARP. And, today, the incoming administration again graciously responded to our request by providing a letter of intent for the second round of TARP funds.

I have to yet again appreciate the incoming administration’s assurance in that letter that these funds for the original purpose of stabilizing the economy and preventing a systemic economic collapse—they agree that is what the funds were for. However, the incoming administration also indicated it would use the money in ways I cannot support.

The letter explicitly states that they will pursue a policy of “cram down,” both by amending the bankruptcy laws and by forcing banks that receive TARP funds to write down mortgages. This will result in higher mortgage rates for everyone who seeks a home loan.

The letter states that the Federal Government will require banks that receive TARP funds to make loans—require banks to make loans. And while we want banks to resume lending, forcing them to make loans is exactly how this crisis started in the first place. We need to show that we have learned from past mistakes.

The letter also states that participating firms will need Federal approval before issuing dividends. I fear this will be hamstring their ability to raise capital and thus perpetuate their dependence on Federal funds. We should encourage firms to raise private capital. It will be impossible if they cannot promise investors a return on investment.

Again, I do want to express my appreciation to the incoming administration for its responsiveness to Republican concerns. Every time we asked a question, it was promptly answered. So far, Republican interactions with the incoming administration have been quite encouraging and appreciated. While I voted on the losing side, I hope the new administration will consider some of my concerns and our concerns on this side. We hope their stewardship of these funds is successful in stabilizing the markets according to the original purpose of the TARP, and we will continue to work with them to strengthen our Nation’s economy.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 12 minutes and that my remarks be printed in the Record.

The PRESIDENT. Without objection, it is so ordered.
Mrs. MURRAY. Mr. President, I also ask unanimous consent that my statement be printed in the RECORD prior to the previous vote.

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

(The remarks of Mrs. MURRAY and Mr. ISAKSON are printed in today’s RECORD during the consideration of S.J. Res. 5.)

Mr. ISAKSON. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. WURZBURGER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

COMMITTEE ASSIGNMENTS

Mr. REID. Mr. President, over the course of the past several months, we have been working to complete negotiations on making our committee assignments so that all the new members will be able to attend committee meetings and be active participants. In some instances, I understand that chairmen have invited new Members to attend meetings and be involved in the process.

I am happy to report that earlier this week, the Republican leader and I agreed to what the committee ratios will be for the 111th Congress. This process of give and take is tedious, and the giver always feels that they have given more, while the taker believes that they deserve more. We had to increase the size of some of the committees during these deliberations. In any event we have reached agreement on ratios, and I ask unanimous consent that a copy of that agreement be printed in the RECORD.

Committee Ratio Agreement

<table>
<thead>
<tr>
<th>Committee</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>12/9</td>
</tr>
<tr>
<td>Judiciary</td>
<td>11/8</td>
</tr>
<tr>
<td>Appropriations</td>
<td>17/13</td>
</tr>
<tr>
<td>Intel</td>
<td>8/7</td>
</tr>
<tr>
<td>Armed Services</td>
<td>15/11</td>
</tr>
<tr>
<td>Aging</td>
<td>12/9</td>
</tr>
<tr>
<td>Banking</td>
<td>12/9</td>
</tr>
<tr>
<td>Budget</td>
<td>13/10</td>
</tr>
<tr>
<td>Commerce</td>
<td>14/11</td>
</tr>
<tr>
<td>Indian Affairs</td>
<td>9/6</td>
</tr>
<tr>
<td>Energy</td>
<td>13/10</td>
</tr>
<tr>
<td>JEC</td>
<td>6/4</td>
</tr>
<tr>
<td>EPW</td>
<td>11/8</td>
</tr>
<tr>
<td>Rules</td>
<td>11/8</td>
</tr>
<tr>
<td>Finance</td>
<td>13/10</td>
</tr>
<tr>
<td>Small Bus</td>
<td>11/8</td>
</tr>
<tr>
<td>For. Relations</td>
<td>11/8</td>
</tr>
<tr>
<td>Veterinary</td>
<td>9/6</td>
</tr>
<tr>
<td>HELP</td>
<td>13/10</td>
</tr>
<tr>
<td>Homeland</td>
<td>10/7</td>
</tr>
</tbody>
</table>

(Ethics Committee remains at 3/3)

Mr. REID. With respect to the Democratic membership, we have had a meeting of the Democratic Steering Committee and they have ratified the proposed membership slate. Additionally, the Democratic Caucus has also given its stamp of approval to the slate.

Therefore, Mr. President, the majority is ready to proceed ahead with Senate action on considering an organizational resolution which appoints committee membership. However, I understand that the Republican leader that they still need to complete their process. So, I fully expect that when we return after the inauguration, the Senate will act on an organizational resolution.

COMMITTEE FUNDING

Mr. MCCONNELL. Mr. President, we have included language for the 111th Congress which keeps Republican Committee budgets from going below the funding allocation for fiscal year 2008.

Upon enactment of a full year appropriation for the legislative branch, the Rules Committee has agreed to authorize $100,000,000 annually for committee majority and minority staff salary budgets, relaxed to a 60 percent to 40 percent ratio, majority/minority respectively, during the 111th Congress. Additionally, upon the enactment of a full year appropriation for the legislative branch, the authorization will be adjusted by future cost-of-living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Furthermore, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of the special reserve is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively. Special reserves, which have been available to committees since 2001, shall not exceed historic levels.

While fiscal constraints have made this process very difficult, I appreciate the good faith effort made by the majority leader to fulfill the commitment to enter into the beginning of the 110th Congress to keep minority staff salary baselines from going below funding levels allocated to the Republicans in the 109th Congress. The agreement we have reached provides the ability for minority committee budgets to be funded no less than the allocation in the 110th Congress.

Mr. REID. I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 109th Congress and this agreement allows for a similar accommodation for the Republicans in the 111th Congress. I ask unanimous consent that a joint leadership letter be printed in the RECORD.

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

We mutually commit to the following for the 111th Congress:

Upon enactment of a full year appropriation for the legislative branch, the majority and minority staff salary baselines for the committees of the Senate, including Joint and Special Committees, and all other subcommittees, shall be apportioned at a 60 percent to 40 percent ratio, majority/minority respectively, based on an authorization of $100,000,000. Additionally, upon enactment of a full year appropriation for the legislative branch, the authorization will be for salary baselines to be adjusted by future cost-of-living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Further, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of the special reserve is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively.

This will allow individual minority committee funding levels to remain unchanged, if special reserves are requested. Therefore, no committee budget shall be allocated to reduce the minority committee budget below that of fiscal year 2008.

Funds for committee expenses shall be available to each chairman consistent with the Senate rules and practices of the 110th Congress.

The chairman and ranking member of any committee, may, by mutual agreement, modify the apportionment of committee funding, and/or space.

The division of committee office space shall be commensurate with the 60 percent to 40 percent ratio.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. DODD. Mr. President, I rise today to commend the Senate for its passage of the bus Public Land Management Act of 2009. First, I would like to thank Senators LIEBERMAN, KERRY, and KENNEDY, who joined me in introducing a stand-alone version of this bill last week and have worked with me for many years to preserve this beautiful part of New England. I would also like to thank the chairmen of the Energy and Natural Resources Committee, Senator BINGMAN, for his tireless work to pass all of the critically important public lands bills included in S. 22. Because of his efforts, hundreds of thousands of acres of pristine wilderness will be added to the National Wilderness Preservation System, and many new ecologically unique and culturally significant sites will receive Federal protection under the National Wild and Scenic Rivers System, the National Trails System, and the National Heritage Area program.

I have long felt that as Senators, one of our most important obligations is to ensure that our Nation’s vast array of...
natural treasures is managed in an environmentally responsible and sustainable way. With the passage of S. 22, and in particular, with the extension of Congress’s authorization of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, I believe this has been an important step toward achieving that goal.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, QSHC, was established in 1994 as the fifth National Heritage Corridor. National Heritage Areas are designated by Congress to preserve distinctive landscapes of historic, cultural, natural, and recreational resources. The QSHC is commonly known as “The Last Green Valley,” a rare and beautiful rural landscape in the populous Northeast. In fact, the Valley stands out in night images from space for its absence of lights. It contains aboriginal and colonial archaeological sites, mills and mill villages that preserve the history of the early industrial revolution, and traditional farming communities. The QSHC nonprofit management entity has restored architecturally and historically important buildings, developed conservation and open space plans, and fostered the operation among businesses in the region that rely on the natural resources and beauty of the land. It has consistently leveraged an average of $19 for every $1 of appropriated Federal money.

The QSHC has developed a plan to become a self-sustaining entity by 2015, as laid out in “The Trail to 2015: A Sustainability Plan for the Last Green Valley.” The plan calls for replacing Federal funds with fees for services, and ongoing education of land-use decision-makers.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor has created a collaboration of 35 municipalities dedicated to preserving a unique slice of our American heritage. With the extension of its authorization, this preserve will be able to exist in perpetuity. Again, I would like to thank my Senate colleagues for their support of the QSHC and the numerous other sites of great natural and cultural significance that will be protected as a result of the passage of this important legislation.

VOTE EXPLANATION

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote against final passage of S. 22, the Omnibus Public Land Management Act of 2009. I would like to be clear that I do not oppose every aspect of this bill, nor do I oppose the notion that our Nation’s unique and precious natural features should be protected for the use and enjoyment of future generations. As with many large omnibus bills, there are a number of provisions that enjoy strong support in the Senate. However, taken as a whole, this bill represents an enormous commitment of federal resources in perpetuity that we simply cannot afford at this time. For years, our existing national parks, or other public lands have been faced with a backlog of much-needed maintenance projects because we have not had the resources to do everything that needs to be done along with competing budget priorities of an economic downturn and on the eve of considering an historically large economic stimulus package, the strain on Federal budgets has rarely been greater. In light of this fact, it is intellectually and culturally dishonest to promise to the American people that the Federal Government will protect and maintain additional Federal lands when we know that we are not even able to fully keep our current commitments. For that reason, I felt it necessary to vote no on this bill at this time.

COMMITTEE ON FINANCE, RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 111th Congress, as represented by the ranking minority member on January 15, 2009. I ask unanimous consent that the rules be printed in the RECORD.

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

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Amended January 15, 2009)

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except as provided by paragraph 3 of this rule. The chairman may order the committee’s regular meeting to be held on another date.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting), the committee may conduct business at any time when a quorum is present. The chairman may order the committee’s regular meeting to be held on another date.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking minority member who is present at the meeting shall preside. (b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 5. Reporting of Measures or Recommendations.—No recommenda- tion shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

Rule 7. Order of Motions.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Bringing a Matter to a Vote.—If the chairman determines that a matter has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure or amendment thereto or matter shall be announced publicly later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by the chairman.

Rule 11. Nominations.—In considering a nomination, the Committee may conduct an investigation or review of the nominee’s experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may require. The Committee may require that items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify without oaths or affirmations.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI.
Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointments of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members of the subcommittee on which legislation is pending recommends specific legislation to an appropriate subcommittee.
(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in paragraph (b) should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.
(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.
(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.
(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the House and referred to the Senate under Rule 16(d) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.
(f) The chairman and ranking minority members shall serve as nonvoting ex officio members of subcommittees on which they do not serve as voting members.
(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.
(h) Subcommittee meeting times shall be coordinated by the staff director to insure that:
   (1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;
   (2) no more than one subcommittee will meet when the full committee is holding hearings; and
   (3) not more than two subcommittees will meet at the same time.

Rule 18. Transcripts of Committee Meetings—(a) Each committee shall adopt rules (not inconsistent with the Standing Rules of the Senate) permitting the committee to permit consideration of legislation reported favorably to the committee by a subcommittee from further consideration of a specific piece of legislation.
(b) The chairman or the ranking minority member may order that a transcript of proceedings held by the committee or any subcommittee be prepared. A transcript shall be kept on the full committee calendar. The period referred to in the preceding sentence does not apply to nonrevenue legislation originating in the Senate.
(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.
(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.
(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the House and referred to the Senate under Rule 16(d) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.
(f) The chairman and ranking minority members shall serve as nonvoting ex officio members of subcommittees on which they do not serve as voting members.
(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.
(h) Subcommittee meeting times shall be coordinated by the staff director to insure that:
   (1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;
   (2) no more than one subcommittee will meet when the full committee is holding hearings; and
   (3) not more than two subcommittees will meet at the same time.

Amendment of Rules.—The foregoing rules may be added to, amended, or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

Commutee Procedure

Each committee shall adopt rules (not inconsistent with the Standing Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o’clock post meridian unless consent therefor has been obtained from the majority leader and
the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except for sessions closed for the reasons specified by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed for the session to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in order to protect the national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee deliberations, to the detriment of personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or executive order;

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast on television, or both, under rules the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

TRIBUTE TO SENATORS

JOHN SUNUNU

Mrs. HUTCHISON. Mr. President, I have really enjoyed working with John Sununu.

John Sununu grew up in Salem, NH, and is one of eight children. He was first introduced to public service at a young age, when his mother served as chairman of the school board.

John attended public schools, graduated from Salem High School, and received bachelor’s and master’s degrees in Mechanical Engineering from the Massachusetts Institute of Technology. John also earned a master’s degree in business administration from the Harvard Graduate School of Business.

John Sununu first ran for public office in 1996, winning election in New Hampshire’s 1st District and serving 3 terms in the U.S. House of Representatives. In 2002, John defeated both an incumbent Democrat and the sitting Governor to become the youngest Member of the U.S. Senate.

As a Senator, John distinguished himself as an innovative legislator, bringing his extensive background in science, engineering, and small business to his work in Washington.

Senator Sununu has been a staunch advocate for low taxes, smarter regulation, and civil liberties.

Since he is still a young man at the age of 44, I suspect that we will be hearing a lot more from John Sununu in the years to come.

I wish him well in his future endeavors.

GORDON SMITH

Mr. President, Gordon Smith has served the people of Oregon extremely well.

Before coming to the U.S. Senate, he served as director of the family owned Smith frozen foods company in Weston, OR, where he created jobs and spurred economic growth.

Gordon Smith entered politics with his election to the Oregon State Senate in 1992, and he became president of that body in 1996. Since winning election to the U.S. Senate in 1996, Senator Smith has worked with his colleagues on both sides of the aisle on critical issues.

Senator Smith chaired the Special Committee on Aging, and he also served on the following Senate committees: Commerce, Science and Transportation, Energy and Natural Resources, Finance, and Indian Affairs.

Senator Smith has also courageously led the effort to educate Americans on ways to prevent the tragedy of suicide of young people.

In 2004, I was so proud when President Bush signed the Garrett Lee Smith Memorial Act, authorizing $82 million for suicide prevention and awareness programs at colleges.

Because of his business experience, he was a Senate leader on issues and regulations that impede economic growth.

Senator Smith also distinguished himself by championing rural Oregonians, including the many farmers and ranchers throughout the mountains and lake areas of his beautiful State.

I thank Gordon Smith for his dedication and service, and I wish him well.

Mr. President, Senator Ted Stevens of Alaska has served in the U.S. Senate for 40 years, and is the longest-serving Republican Senator in history.

On a personal note, I have enjoyed working with Senator Stevens, and it has been a true privilege to collaborate with him on some of the most important issues facing our great Nation—including energy, health care, and national defense.

Senator Stevens’ service to the United States didn’t begin when he stepped inside this chamber. Rather, his service began decades earlier—during some of the most harrowing days of World War Two.

Senator Stevens was part of the Greatest Generation who fought and won that global struggle for freedom—flying a C-47 in the China Burma India Theater.

Incredibly, over 1,000 of Senator Stevens’ fellow airmen died “flying the hump” and elsewhere in the Chinese Burma India Theater—a sobering reminder of the high price of freedom.

For his heroic efforts, Senator Stevens later received two Distinguished Flying Crosses and two Air Medals, as well as the Yuan Hui medal awarded by the Republic of China.

After the war, Senator Stevens completed his education at UCLA and Harvard Law School, and then moved to Alaska, which was then a U.S. territory.

In the city of Fairbanks, Senator Stevens practiced law for several years, until he came to Washington, DC, to serve in the Eisenhower administration, and also to lobby for Alaska’s admittance into the Union—a mission that succeeded in 1959.

When Senator Stevens returned to Alaska, he ran for—and won a seat in the Alaska House of Representatives, and later became House majority leader.

Then, in December 1968, Governor Walter J. Hickel appointed him to fill a vacancy in the U.S. Senate.

In 1970, the voters of Alaska ratified that choice by electing Senator Stevens, who finished his term in a special election, and then re-electing him six more times.

Senator Stevens’ achievements are legendary in this chamber—including chairman of the Senate Appropriations Committee, the Commerce Committee and President pro tempore of the U.S. Senate— from January 2003 to January 2007.
For his many decades of service, Senator Stevens has received and accepted numerous honors—including having the Anchorage International Airport named after him.

Back in 1993, when I first arrived in the Senate, there was one of only seven female Senators, and if the Senate was a men’s club, then the Appropriations Committee was its inner sanctum.

There was not a single woman on the Defense Appropriations Subcommittee, but that was where I wanted to serve. I explained to Senator Stevens—who was then the ranking member of the committee—that Texas has more Army soldiers than any other State, more Air Force airmen and women stationed in Texas than any other State, and our defense industry builds everything from fighter aircraft to Army trucks to artillery systems to sophisticated electronics equipment for the Pentagon.

Therefore, I hoped to be able to serve on that committee.

After some careful thought, Senator Stevens agreed, and welcomed me to the Committee.

Senator Stevens has been known to show dramatic performances—his ability to focus the Senate’s wandering eyes focused on the urgent issues that need to be addressed.

One day, during a mark-up in the Senate Appropriations Committee, Senator Stevens, who chaired the committee at the time, grew very animated and laid down the law.

When a frustrated senior Senator told Senator Stevens that “there was no reason to lose your temper,” Senator Stevens glared back and responded, “I never lose my temper. I always know exactly where I left it.”

Senator Stevens acknowledges his quick temper; but those who know him see the other side—a compassionate heart. I will never forget when a group of protestors gathered outside of the Appropriations Committee conference to demand increased funding for breast cancer research.

One particularly agitated advocate got in Senator Stevens’ face and said, “If men were dying of breast cancer, you wouldn’t think twice about increasing the funding.”

Needless to say, those words made quite an impact on Senator Stevens, but probably not what this advocate anticipated.

When Senator Stevens walked back into the conference, he repeated the charge and then looked around at his mostly male colleagues.

He knew that at least 6 of them suffered from breast cancer.

He also noticed that the bill they were considering didn’t fund prostate cancer research.

But thanks to the excellent suggestion of the woman in the hallway, he became an advocate for breast cancer research and prostate cancer research. Senator Stevens became a leader on these issues.

He has been a champion of a strong national defense and of the men and women who serve in the military. I wish him and his family the best.

CRISIS IN GAZA

Mr. COBURN. Mr. President, when President Obama is sworn into office next week, he will inherit an extremely complex and challenging crisis in the Middle East. Since Israel commenced military operations in Gaza to defend its citizens against rocket attacks more than 1,000 have died in Gaza, many of them civilians, while 13 Israelis have died. In spite of this carnage, Hamas refuses to surrender and continues to fire rockets into Israel. No clear resolution is in sight.

As a practicing physician, I find this conflict heartbreaking. Israelis live in constant fear that a rocket attack will snuff out an innocent life. Families in Israel go to bed at night wondering if a rocket will slam into their home. At the same time, Palestinians have nowhere to run from a terrorist organization that uses its own civilians as human shields.

While we mourn the loss of innocent life, the world must recognize that Hamas deliberately created a situation in which Israel was forced to respond as any sovereign nation would while under attack. Israel, and every nation, has the right to make its case.

What makes Hamas’s actions particularly abhorrent and barbaric is the fact that they are making decisions, I believe, based on a perverse political calculation. While publically condemning Israel, Hamas’s leaders and sympathizers in Iran and elsewhere privately welcome the suffering of the Palestinian people as a political opportunity. Hamas knows better than anyone that virtually every area of the densely populated Gaza strip is a civilian area. In Gaza, refugees have no place to seek refuge. The terrible unintended consequences and loss of civilian life we’ve seen in Gaza is part of Hamas’s design and goal.

The United States and the next administration can play an important role in preventing Hamas from achieving its goals. What many on both sides long for is not just the cessation of violence but a real, lasting and durable peace. Some believe this is impossible, but it is the only way to work toward this goal.

I trust President-elect Obama will avoid the false choice between unapologetically defending Israel’s security and creating hope and opportunity for people on both sides of the conflict who want the same degree of freedom, peace and opportunity for themselves and their children. As Israel’s most important ally, the United States should never waver in our commitment to Israel’s security. Yet the United States’ policy itself is one of our most important contributions in the region because it creates the security and stability that are a prerequisite for meaningful negotiations.

At the same time, we enhance security in the region by assuring Palestinians in Gaza with our words and actions that they are not forgotten and that we are working to bring hope and eventual end to violence. I’ve delivered 4,000 babies and I grieve with the pregnant women in Gaza who are being turned away at hospitals because their own leaders have held their lives and the lives of their children in contempt. The next administration can legitimize and support those mothers’ pleas for peace while condemning and marginalizing Hamas’s tactics of terror.

I believe President-elect Obama has the judgment and temperament to not only maintain our vital support of Israel, but to also create hope in the region and help Palestinians embrace alternatives to Hamas’s brand of violence. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard.

Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today’s letters printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard.

Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today’s letters printed in the Record.

Well, gas prices have a direct impact on my driving habits. I have been trying to use the public bus at least twice a week to get to work. It takes me about 35 minutes more each way, but if I plan my after work errands needing a car for one day, then I can bank that extra time for the weekend. I’m lucky to live in Boise where there is some type of public transportation. My husband works the night shift in Meridian so I can use the car. The cost of food is a shocker, but again, fuel costs have contributed to that also. There are more of the basic and less of the goodies at the checkout. I do not think our family will be flying anytime soon, and if we vacation somewhere besides home, it will still be within a short day’s drive. All in all, I worry more about families who were barely surviving before, what will become of them now?
I think it is important to give tax breaks to companies, small or large, who want to develop alternative energy technologies. There are a great number of really smart people, including a man who uprooted his salty salt water and create enough energy to light a bulb. And how about the farmer who did something to his engine (in his garage workshop)? It is especially important to keep this technology and the subsequent jobs it brings here in the United States. If Congress won’t address this issue, in a couple of years other countries will once again, get the jobs. And continue to give taxpayers incentives through tax breaks and fuel-efficient appliance and energy-saving saving appliances, solar heating, etc. My family would purchase these products, but the cost is often prohibitive. There are hunger and homelessness. I find that if we all come down as more products are sold. It just needs a jumpstart with federal funding, then it will take off on its own. Do not do anything to lessen the impact of gas prices. Only with higher prices will habits change and new technologies emerge. The lesson is hard, but the end result will be worth it. Get rid of government gridlock. If the cost is so high, we need to take some much energy to make the stuff compared to what it saves.

And, let us build those super fast trains to at least run along the cities on the Eastern and Western coasts. Again, more jobs building trains, maintaining equipment, contributing to our economy. We can spend tax money on more roads for more gas eating cars or supplementing energy efficient systems, good for the environment, the economy and the potholes.

We took Amtrak from Portland to Seattle, it was $29, but again it took 3 hours. What if it took 45 minutes? There were many businesses who supported Etch, they would be willing to use this type of transportation if it was timely. Time is money these days. And please give more money to small urban cities like Boise to develop light rail systems. The intercounty van ridership from Caldwell and Nampa to Boise has become so popular. ValleyBUS is adding more vans to the routes. A light rail system would work in the Boise Valley. And replace the aging buses. In the month I have ridden the bus, I have experienced at least two breakdowns. The buses are purchased used and these are the old ones, parts are very hard to come by. And allow some drilling and mining. I heard it will take 7-10 years before a domestic supply will be up and running. It will not be timely. I think some think it will be. Do not allow exemptions which were originally for farm vehicles to be expanded to include cars with a like build, like Hummers. That is cheating. Make the car companies raise the MPG even higher.

I read that China has tougher rules for the car companies, small or large, who want to do business there. If you could figure out some way to give the farmers a break, that would be a good thing. But let the free market run its course with regards to personal transportation, I say. If our economy is based on every citizen 16 and over having a private motor vehicle and unlimited access to cheap fuel . . . it is a house of cards. Like everybody else, we in my family are affected by the rising prices. The people are need- ing to be more responsible with their transportation. Is that a bad thing? I was told disclosure (about a dedicated user of bicycle transportation since 1986). Gas was 97 cents back then. It makes even more sense in 2008 for my fellow citizens to seriously consider their own energy transportation choices, than it did back in 1986.

Thanks for your attention.

Steve Hulme, 4TH-GENERATION TAXPAYING IDAHO CITIZEN, Boise.

My biggest concern is the lack of balance with the cost of living and the working class who are ignoring the increasing faster than employers/corporations are able (or willing) to keep up with. I am very worried about the near future. With two kids to raise and keep them in the public schools, and other extra-curricular activities is becoming more of a challenge. I do not want to be forced to make a decision of gas in the car to get my kids to and from or my children’s well-being.

What Americans want are politicians who do what they say they will do. Not empty promises to get into office. At what cost does it come? Our children, our future.

So these powers should continue to get approvals for price increases? Who is benefiting from this? If the Government doesn’t think we are in a recession now, just wait, it is just around the corner. I know for my family as well as many other families, spending is no longer frivolous, let us-treat-ourselves-for-our-hard-work spending, it is thought through carefully. We have worked so hard for it.

With the wealth of our country, there should not be the amount of homeless (or soon-to-be) people due to lack of money/re-employment. Unfortunately we can’t help them all, not enough food due to a decrease in donations. If the our government has got to give and it should no longer be the American people/families! Instead I need, to be at the receiving end. Help our own in this country to survive.

A VERY CONCERNED MOM.

Good day Mike, my story is: I am a 50 year old disabled woman; my income is social security $710.00 plus Social Security Disability Support order from 1992 in which I receive 201.00 a month in 50.34 weekly payments. I am almost over for the Idaho Medicaid and am what is called the QM plan. I have no dental and no vision. Part D helps with pre-scriptions and Medicare pays some. I am eligi-ble for about 10.00 in food stamps which I do not collect because at my last recertifi-cation, I just could not justify the gas and time for the 10.00 that really is not that helpful. It has been a very cold winter; my en-ergies are used up in the trailor on the 20th of June is 107.00, last year it was 65.00 or so this time of year. I have a 20 year old daughter that lives at home and goes to LCSC full time thank you Lord for grants and loans. I cannot remember the last time except to the grocery store and bought food, we live out of food banks and milk has be-come a luxury, from Walmart. Our 2 dogs’ food comes from the humane society. My car payments are always on empty; 2.5 gallons of gas is 10.00. Please help us to travel. Unfortunately dis-abled people should not have to worry about food, how about a fixed amount for disabled people comparable to their income, low en-ergy prices, fixed prices for energy to heat disabled people’s homes. I do not mind pay-ing my own power but up to or over 1/2 of my monthly income. Help. Thank You:

Deb.
not where to begin. It is very hard for us to live right now with both the cost of fuel rising, and the cost of food rising. My husband served this country for 22 years in the Military until he became injured, and was unable to do his duties anymore as a military man. He went back to school, and became a board certified respiratory therapist. He is still looking for a job at this point and time. I have two doctors bills, and we live payday to payday, and there are times when we do not have enough to pay the bills we have because I went to the store, or put gas in my car. So I also have to make a choice as to put gas in the car, or go to the grocery store. But you have to have gas in the car to get to the store. Living off of potatoes, and rice sometimes, and every where you look there are commercials telling you to eat right. How can a person eat right when you can’t afford the food in the first place? Plus with all of my doctor bills and the amount of medication I am on do not help either. I struggle everyday wondering what am I going to feed my family today, and I wonder what is really going to happen to us.

TAMMY.

Rather than a story I would like to offer a suggestion. My suggestion is that Congress should put in place requirements for oil companies to begin placing hydrogen fueling options at their stations nationwide. Congress could put in place requirements for oil companies to build an entirely new distribution infrastructure to get the product to the consumer. That would cost trillions of dollars and it will never happen.

Gasoline costs $4.00 a gallon because we are still over $1.00 a gallon. That’s the simple truth. Our country’s entire infrastructure depends on gas and diesel engines in cars, trucks, planes, and ships to get products from Point A to Point B. And I will be the first one to admit, I am not prepared to quit driving my car, so I am as much a part of the problem as anyone. But short of a federal cap on consumer gasoline products and people from Point A to Point B.

CARL BLOOMQUIST, Nampa.

First I would like to thank you for taking the time to listen to the people on this subject.

Our brief story: 6 months ago we had two cars and a truck. We could not afford to drive the truck any longer so we sold it and paid off one of our cars. That helped for a while but the gas prices kept creeping up. I work downtown and we are fortunate enough to live close to a bus route. Now I pay $36.00 for a monthly Valley Ride pass and I ride the bus everyday which saves an additional time of a day but now we save close to $100.00 a month in gas by doing that. But the gas prices are still climbing and might reach $5.00 a gallon. Now we have two cars and one sits in the driveway. So now we are thinking seriously about selling the car that is paid off and paying down the loan on the other car. I am also thinking seriously of buying a bicycle and gearing up to commute on a bicycle to work. This will help me get in shape as well as help the environment clean.

...In a matter of a few months we went from three vehicles down to (most likely) only riding bicycles. We are sick and tired of the prices (fuel and food) continuing to creep up and refuse to put up with it anymore.

We try to make a trip to Bend Oregon to visit our grandchildren but we cannot afford to do that this month. We will have to save another $100 and do that at the end of next month. It’s hard to create new income by increasing our income between gasoline and grandchildren.

So maybe someone will hear our story and something will be done about this.

Thank you again for listening.

MICHAEL VISCONTI.

I strongly disagree with your stand on the climate change bill that recently was de-

feated in filibuster action recently. I was very disappointed in your vote. These are measures that need to be made for our environment, and for our economy.

TRIBUTE TO CARTER INDUSTRIES, INCORPORATED

Mr. BURNING. Mr. President, today I pay tribute to Carter Industries for their recent accomplishment.

Carter Industries was recently awarded the Defense Logistics Agen-
cy’s, DLA, Business Alliance Award for companies with Readiness Support in the Historically Underutilized Business Zone Small Business Category. This agency provides logistics support for our military as well as other non-military agencies. Carter Industries plays a very important role in the DLA’s ability to provide clothing to our men and women serving domestically and abroad. Specifically, they provide coveralls for flyers and combat vehicle crewmen, which protect them from fire related injuries. Since 1996, they have manufactured military clothing in a timely fashion have con-

sistently been dependable for our mili-
tary. Located in Olive Hill, KY, in the eastern part of my State, Carter Industries has been helping hundreds of Kentuckians in their efforts to support our men and women in uniform.

I now ask my colleagues to join me in congratulating Carter Industries for their recent achievement and commit-
tee to our military. They deserve proper recognition for their service to our great Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT J. SMITHDAS

Mr. SCHUMER. Mr. President, I rise to pay tribute to an inspirational New Yorker, Dr. Robert J. Smithdas, on the occasion of his retirement as Director of Community Education at the Helen Keller National Center for Deaf-Blind Youths and Adults, HKNC, in Sands Point, LI.

At the age of four, Dr. Robert J. Smithdas contracted meningitis, which left him totally deaf and blind. After a short period of time, the total loss of his hearing. After graduating Perkins School for the Blind in Watertown, MA, in 1945, he was accepted for training at the Industrial Home for Deaf-Blind, IHB, located in Brooklyn, NY, and received a fellowship to attend St. John’s University in New York. He received his BA degree cum laude in 1950, and 3 years later became the first person who is deaf-blind to earn a master’s degree, receiving this distinction at New York University where he specialized in vocational guidance and rehabilitation for people with disabilities. Dr. Smithdas is also the recipient of four honorary Doctoral degrees from: Gallaudet University, Washington, DC; Western Michigan University, Mount Aloysius College and, his alma mater, St. John’s.

Dr. Smithdas continued his work with important and significant contributions in the field of rehabilitation, having successfully occupied important management positions at the IHB, including that of associate director of services for the deaf-blind in charge of overall client services.

Along with Helen Keller and Peter Salomon, Dr. Smithdas played a vital role in the development of legislation enacted as part of the Vocational Re-

habilitation Act. The act authorized the establishment of the Helen Keller National Center, which is operated by Helen Keller Services for the Blind under a long-term agreement with the U.S. De-

partment of Education’s Office of Special Education and Rehabilitation Services.

A true “Renaissance man,” Dr. Smithdas’ many achievements include being named the Poetry Soci-
ety of America’s “Poet of the Year,” 1960-61, “The Handicapped American of the Year,” 1965, by the President’s
MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006. My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose of disrupting the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economic interests of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.


2009 NATIONAL DRUG CONTROL STRATEGY—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba’s destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.


AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON MUTUAL FISHERIES RELATIONS—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:


GEORGE W. BUSH.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and referred to the appropriate committees:

By Mrs. HUTCHISON (for herself and Mr. DEMINT):
S. 251. A bill to amend the Communications Act of 1934 to provide for marketing controlled substances to minimize the flow of such substances to persons who conduct business in violation of the Controlled Substances Act; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY):
S. 252. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Mr. CORZETTI):
S. 253. A bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):
S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):
S. 255. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to home mortgage transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. MCCASKILL, Mr. KERRY, Mr. BAYH, Mr. GRASSLEY, Mr. MCCONNELL, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):
S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):
S. 257. A bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH):
S. 258. A bill to amend the Controlled Substances Act to provide for enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. DOOD, Mr. JOYCE, Mr. INOUYE, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mrs. McCASKILL, and Mr. Tester):
S. 259. A bill to establish a grant program to provide educational opportunities to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. MUKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEARY, Mr. HARKIN, Mr. KENNEDY, Mr. WURSTLER, Ms. STABENOW, and Mrs. FEINSTEIN):
S. 260. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ENSIGN, and Mr. MARTINEZ):
S. 261. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. CASEY:
S. 262. A bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself and Mr. KENNEDY):
S. 263. A bill to amend title 38, United States Code, to improve the enforcement of the Employment and Training Provisions of the National Defense Authorization Act for Fiscal Year 1994, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW:
S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mrs. McCASKILL (for herself and Mr. CORZETTI):
S. 265. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no serious delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, and Ms. STABENOW):
S. 266. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title by moving a portion of the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. STABENOW):
S. 267. A bill to provide funding for summer and year-round youth jobs and training programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. STABENOW):
S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Build Green Grants, and Green-Collar Youth Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW):
S. 269. A bill to provide funding for unemployment and training activities for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. VITTER):
S. 270. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

BY MS. CANTWELL (for herself, Mr. HARKIN, Mr. AKAKA, Mr. ALLEN, Ms. STABENOW, and Mr. NELSON of Florida):
S. 271. A bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts; to the Committee on Finance.

By Mr. HARKIN:
S. 272. A bill to amend the Commodity Exchange Act to ensure that all agreements, contracts, and transactions with respect to commodities are carried out on a regulated exchange, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself and Mr. VINOGRANOVICH):
S. 273. A bill to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the "Ralph Regula Federal Office Building and Courthouse"; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL (for himself and Mr. REID):
S. Res. 14. A resolution to provide funding for Senate staff transitions; considered and agreed to.

ADDITIONAL COSPONSORS

S. 84
At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 84, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 85
At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 96
At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 96, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 97
At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 97, a bill to prohibit certain abortion-related discrimination in governmental activities.
At the request of Mr. Vitter, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

At the request of Mr. Ensign, the name of the Senator from Mississippi (Mr. Wicker) 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.

At the request of Mr. Feingold, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers’ dollars by curtailing congressional earmarking, and for other purposes.

At the request of Mrs. Hutchison, the names of the Senator from Tennessee (Mr. Corker), the Senator from Florida (Mr. Martinez) and the Senator from Iowa (Mr. Grassley) were added as cosponsors of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

At the request of Mrs. Clinton, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

At the request of Mr. Bayh, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 225, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

At the request of Mr. Wyden, the name of the Senator from Mississippi (Mr. Wicker) was added as a cosponsor of S. 229, a bill to provide $500,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

At the request of Mrs. Feinstein, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 247, a bill to accelerate motor fuel and pipeline incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation.

At the request of Mr. Schumer, the names of the Senator from Wisconsin (Mr. Koiril), the Senator from New Jersey (Mr. Menendez) and the Senator from Colorado (Ms. Harkin) were added as cosponsors of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Akaka (for himself, Mr. Durbin, and Mrs. Murray):

S. 252. a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. Akaka. Mr. President, today I am introducing legislation which is drawn in large measure from S. 2969, the proposed Veterans’ Health Care Authorization Act reported by the Committee on Veterans’ Affairs last Congress.

VA faces a looming shortage of health care personnel. Without concerted and timely action, this situation will only worsen in the years ahead. This is especially true as more Iraq and Afghanistan veterans return home injured and in need of new and specialized care. In order to avert this problem, VA must be able to offer competitive salaries, work schedules, and benefits. The provisions in the bill I am introducing will allow VA to recruit and retain nurses, home health aides, and specialty care providers.

This bill also contains measures that would improve the efficacy of health care delivery to veterans, including a number of pilot programs designed to help VA find new and innovative ways to deliver better, faster, and more comprehensive treatment.

Women make up an ever growing percentage of the Armed Forces. As such, they are also making up an ever growing percentage of the veteran population. While there have been efforts over the years to address the unique needs of women veterans, there is much more that VA might do. To that end, there are provisions in this bill to address current shortcomings and help VA better respond to the increased demand for care from women veterans. I particularly thank Senator Murray for her leadership on this issue.

One of the most troubling and difficult challenges of warfare, which can be seen particularly in the current conflicts in Iraq and Afghanistan, is diagnosing and treating those who suffer from the invisible wounds of war. The lack of understanding of these injuries, the stigma associated with them, and many other factors make effective treatment difficult. Last Congress, legislation I authored, the Veterans Mental Health and Other Care Improvements Act, was enacted as Public Law 110-387. This Congress, I seek to improve upon those advances, and to continue to provide accessible, cutting-edge care for those afflicted with invisible wounds. This bill would expand eligibility and authority for the Vet Centers to provide needed services, and would commission a comprehensive study on suicides among veterans so that we can improve efforts to prevent such tragedies.

This bill will also provide support for homeless veterans through a proposed series of innovative pilot programs. These programs are designed to significantly improve VA outreach to these veterans, in order to help them access the benefits and services provided by VA.

I look forward to working with all of our colleagues to bring this legislation to the full Senate for consideration in this Session. Mr. President, I ask unanimous consent that the text of this 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. 252

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Health Care Authorization Act of 2009.”

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.
Sec. 102. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.
Sec. 103. Improvements to certain educational assistance programs.
Sec. 104. Standards for appointment and practice of physicians in Department of Veterans Affairs medical facilities.

TITLE II—HEALTH CARE MATTERS

Sec. 201. Repeal of certain annual reporting requirements.
Sec. 202. Modifications to annual Gulf War research report.
Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.
Sec. 204. Payor provisions for care furnished to certain children of Vietnam veterans.
Sec. 205. Disclosures from certain medical records.
Sec. 206. Disclosure to Secretary of health plan contract information and social security number of certain veterans receiving care.
Sec. 207. Enhancement of quality management.
Sec. 208. Reports on improvements to Department health care quality management.
Sec. 209. Pilot program on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury.

Sec. 210. Pilot program on provision of respite care to members of the Armed Forces and veterans with traumatic brain injury by students in graduate programs of education related to mental health or rehabilitation.

Sec. 211. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.

Sec. 212. Specialized residential care and rehabilitation for certain veterans.

Sec. 213. Authority to disclose medical records to third party for collection of charges for provision of certain care.

Sec. 214. Expanded study on the health impact of Project Shipboard Hazard and Defense.

Sec. 215. Use of non-Department facilities for the treatment of individuals with traumatic brain injury.

Sec. 216. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.

Sec. 217. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.

TITLE III—WOMEN VETERANS HEALTH CARE

Sec. 301. Report on barriers to receipt of health care for women veterans.

Sec. 302. Plan to improve provision of health care services to women veterans.

Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.

Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.

Sec. 305. Pilot program (a) for furnishing counseling in treatment settings for women veterans newly separated from service in the Armed Forces.

Sec. 306. Report on full-time women veterans program managers at medical centers.

Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.

Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.

Sec. 309. Care for newborn children of women veterans receiving maternity care.

TITLE IV—MENTAL HEALTH CARE

Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Services.

Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.

Sec. 403. Study on suicides among veterans.

Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—HOMELESS VETERANS

Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.

Sec. 502. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.

Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.

Sec. 505. Assessment of pilot programs.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

Sec. 601. General authorities on establishment of corporations.

Sec. 602. Clarification of purposes of corporations.

Sec. 603. Modification of requirements for boards of directors of corporations.

Sec. 604. Clarification of powers of corporations.

Sec. 605. Redefinition of section 7364A of title 38, United States Code.

Sec. 606. Improved accountability and oversight of corporations.

TITLE VII—SPECIAL PROVISIONS

Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.

Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) Secretarial Authority To Extend Title 38 Status to Additional Positions.—

(1) In general.—(Paragraph (3) of section 7401 is amended by inserting “and blind rehabilitation outpatient specialists.” and in-

serting the following: “blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary

considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

(1) Not later than 65 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representa-

tives, and the Office of Management and Budget notice of such appointment.

(2) Before submitting notice under subparagraph (A), the Secretary shall solicit

comments from any labor organization representing employees in such class and include such comments in such notice.”.

(2) Appointment of nurse assistants.—

Such paragraph is further amended by inserting “nurse assistants,” after “licensed practical or vocational nurses,”.

(b) Probationary Periods for Registered Nurses.—Section 7465(b) of title 38, United States Code, is amended by adding at the end the following new subsection:

“(2) An appointment of a registered nurse under this paragraph, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of a number of hours of work pursuant to such appointment that the Secretary considers appropriate for such appointment but not more than 4,180 hours.

(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.”.

(c) Prohibition on Temporary Part-Time Registered Nurse Appointments in Excess of 4,180 Hours.—Section 7465 is amended by inserting “4,180 Hours” after “shall be” at the end of the subsection.

“(2) Upon completion by a registered nurse of the probationary period described in paragraph (1)–

(A) the employment of such nurse shall—

(i) no longer be considered temporary; and

(ii) be considered an appointment described in section 7465(a) of this title; and

(B) the nurse shall be considered to have served the probationary period required by section 7465(b).”.

(d) Waiver of Offset from Pay for Certain Reemployed Annuitants.—

(1) In general.—Section 7465, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(1) The Secretary may waive the application of sections 8334 and 8335 of title 5 (relating to annuities and pay on reemploy- ment) or any other similar provision of law under a Government retirement system on a case-by-case basis for an annuitant reemployed on a temporary basis under the authority of subsection (a) in a position described under paragraph (1) of that subsection.

(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be consid- ered an employee for purposes of any Government retirement system.

(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all law authority and labor representa- tive collective bargaining agreements) applicable to the position to which appointed.

“(4) In this subsection:

(A) The term ‘annuitant’ means an annu- itant under a Government retirement sys- tem.

(B) The term ‘employee’ has the meaning under section 2105 of title 5.”
(C) The term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is six months after the date of enactment of this Act, and shall apply to pay periods beginning on or after such effective date.

(e) BASIS OF PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—Sections 7409(a) and 7410(c) are amended by adding at the end the following new paragraph:

(2) Exclusion of application of additional employees. — Paragraph (3) of section 7410(c) shall not apply to an individual in subchapter V of this chapter.

(2) EQUALITY OF COMPELLED SERVICE.—The amendment made by paragraph (1) shall apply to services, including the use of third-party surveys, under this paragraph.

(f) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

(5) In any case in which the director conducts a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustments or adjustments.

(3) DISCLOSURE OF INFORMATION TO PERSONS IN GOVERNMENT SERVICE.—Section 7451(e), as amended by paragraph (2) of this subsection, is further amended by adding at the end the following new paragraph:

(6)(B) In the case of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department of Health survey, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

"(B) A representative of the labor organization representing that individual who is designated by that individual to make the request.

(i) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(b)(2) is amended by striking "$25,000" and inserting "$100,000".

(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL PAY.—Section 7453(b) is amended—

(A) in subsection (a), by striking “a nurse” and inserting “and a full-time or part-time nurse”;

(B) in subsection (b) —

(i) in the first sentence—

(I) by striking “on a tour of duty,” and inserting “on a tour of duty”;

(II) by striking “or” and inserting “and”;

(III) by striking “of such tour” and inserting “of such tour”;

(IV) by striking “and” and inserting “or”;

(V) by striking “of such tour” and inserting “of such tour”;

(VI) by striking “and” and inserting “or”;

(VII) by striking “of such tour” and inserting “of such tour”;

(VIII) by striking “and” and inserting “or”;

(V) by striking “of such tour” and inserting “of such tour”;

(IV) by striking “and” and inserting “or”;

(III) by striking “of such tour” and inserting “of such tour”;

(II) by striking “of such tour” and inserting “of such tour”;

(I) by striking “on a tour of duty,” and inserting “on a tour of duty”;

and

and

and

(II) by striking “of such tour” and inserting “of such tour”;

(I) by striking “on a tour of duty,” and inserting “on a tour of duty”;

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and

and
SEC. 102. LIMITATIONS ON OVERTIME DUTY. WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) OVERTIME DUTY.—
(1) IN GENERAL.—Subchapter IV of chapter 74 is amended by adding at the end the following new section:

"7459. Nursing staff: special rules for over-
time duty

"(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not re-
quire nursing staff to work more than 40 hours (or 12 hours if such staff is covered 
under section 7456 of this title) in an admin-
istrative work week or more than eight con-
secutive hours (or 12 hours if such staff is 
covered under section 7456 or 7456A of this 
title).

(b) VOLUNTARY OVERTIME.—(1) Nursing staff designated on a voluntary basis may elect to work 
hours otherwise prohibited by subsection (a).

"(2) The refusal of nursing staff to work hours prohibited by subsection (a) shall not be grounds to 
discriminate (within the meaning of section 704(a) of the Civil Rights Act 
of 1964 (42 U.S.C. 2000e–3(a))) against the staff, dismissal or discharge of the staff, or 
any other adverse personnel action against the staff.
(c) OVERTIME UNDER EMERGENCY CIRC-
STANCES.—(1) Subject to paragraph (2), the Secretary may require nursing staff to 
work hours otherwise prohibited by subsection (a) if—
(2) The refusal of nursing staff to work hours otherwise prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the staff, dismissal or discharge of the staff, or any other adverse personnel action against the staff.
(d) NURSING STAFF DEFINED.—In this sec-
tion, the term ‘nursing staff’ includes the 
staff.
(e) The nurse staff have critical skills and 
expertise that are required for the work; and
(f) The work involves work for which the standard of care for a patient assignment re-
quires continuity of care through completion 
of a case, treatment, or procedure.
(g) Any other nurse position designated by the Secretary for purposes of this sec-
tion.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7458 the following new item:

"7459. Nursing staff: special rules for over-
time duty.

(3) Week End Duty.—Section 7456 is amend-
ed by—
(1) by striking subsection (c); and
(2) by redesignating subsection (d) as sub-
section (c).

(c) ALTERNATE WORK SCHEDULES.—
(1) In General.—Section 7456A(b)(1)(A) is amended by striking “three regularly sched-
uled” and all that follows through the period at
(B) and inserting “six regularly scheduled 12-hour periods of service within a pay period shall be considered for all pur-
poses to have worked a full 80-hour pay pe-
riod.”

(2) CONFORMING AMENDMENTS.—Section 7456A(b) is amended—
(A) in the subsection heading, by striking "36:40" and inserting "72:40";
(B) in paragraph (2)—
(i) in subparagraph (A), by striking “48-hour basic work week” and inserting “60-
hour pay period”;
(ii) in subparagraph (B), by striking “regularly scheduled 36-hour tour of duty within an admin-
istrative work week” and inserting “scheduled 72-
hour period of service within the bi-weekly pay period”; and
(iii) in subparagraph (C), by striking “regularly scheduled 12-hour tour of duty” and inserting “scheduled 12-hour period of service”;
and

(3) Fund ing.—Amounts for the repayment of the principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Vet-

erans Affairs for the Veterans Health Admin-
istration for Medical Services.
“(B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

“(ii) Any disposition of or material change in a matter disclosed under subparagraph (A) or under this subparagraph.

“(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

“(A) Not later than the end of the 60-day period beginning on the date of the enactment of this section and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

“(B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

“(i) A judgment against the individual for medical malpractice or negligence.

“(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

“(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

“(2) Each individual appointed in the Veterans Health Administration in the position of physician shall, as part of the biennial review of the performance of the physician under section 7402, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).

“(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is appointed under section 8107 shall, at the beginning of each biennium, order the provision of a written report to the Secretary of that period, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).

“(2) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is appointed under section 8107 shall, at the beginning of each biennium, order the provision of a written report to the Secretary of that period, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).

“(i) A judgment against the individual for medical malpractice or negligence.

“(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

“(iii) Any disposition of or material change in a matter disclosed under subsection (c) or under this subparagraph.

“(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is appointed under section 8107 shall, at the beginning of each biennium, order the provision of a written report to the Secretary of that period, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).

“(2) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is appointed under section 8107 shall, at the beginning of each biennium, order the provision of a written report to the Secretary of that period, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).

“(i) A judgment against the individual for medical malpractice or negligence.

“(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

“(iii) Any disposition of or material change in a matter disclosed under subsection (c) or under this subparagraph.

“(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is appointed under section 8107 shall, at the beginning of each biennium, order the provision of a written report to the Secretary of that period, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraphs (1) and (3).
shall designate an official of the Veterans Health Administration to act as the principal quality management officer for the quality-assurance program required by section 7311(b). The officer so designated may be known as the ‘National Quality Management Officer of the Veterans Health Administration’ (in this section referred to as the ‘National Quality Management Officer’).

(2) The National Quality Management Officer shall also be the official within the Veterans Health Administration who is primarily responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for the following:

(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, the System-Wide Ongoing Assessment and Review reports of the Department, and combined Assessment Program reviews of the Office of Inspector General, that can be used to assess reliably the quality of care provided at individual Department medical centers and associated community-based clinics.

(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

(3) The National Quality Management Officer shall be responsible for the following:

(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and combined Assessment Program reviews of the Office of Inspector General, that can be used to assess reliably the quality of care provided at individual Department medical centers and associated community-based clinics.

(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Veterans Health Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Veterans Health Administration facilities to the quality management officers of such facilities under section 7311A of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving official.

(5) REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.—

(A) In general.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of:

(1) The efficacy of the quality indicators under the program;

(2) The efficacy of the data collection methods under the program;

(3) The efficacy of the frequency with which regular data analyses are performed under the program; and

(4) Whether the resources allocated to the program are adequate to fulfill the stated function of the program.

(B) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the recommendations as the Secretary considers appropriate in light of the review.
SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT HEALTH CARE QUALITY MANAGEMENT.

(a) REPORT.—Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of sections 104 and 207 of this Act and the amendments made by such sections during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of sections 104 and 207 of this Act and the amendments made by such sections.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in such sections and the amendments made by such sections or to otherwise improve the quality of health care and the delivery of health care to veterans in the Veterans Health Administration.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term "congressional veterans affairs committees" means—

(1) the Committees on Veterans’ Affairs and Appropriations of the Senate; and

(2) on Veterans’ Affairs and Appropriations of the House of Representatives.

SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing respite care to members of the Armed Forces and veterans described in subsection (c) to provide—

(1) relief to the family caregivers of such members and veterans; and

(2) socialization and cognitive skill development to such members and veterans.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program for traumatic brain injury.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program under this section shall be carried out—

(A) in facilities of the Department of Veterans Affairs; and

(B) if determined appropriate by the Secretary of Veterans Affairs and the Secretary of Defense, in collaboration with the Department of Veterans Affairs, in collaboration with the Department of Defense.

(2) EMPHASIS ON POLYTRAUMA CENTERS.—In selecting the locations of the pilot program at facilities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(d) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot program under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(e) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot program under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member and the Armed Forces services determined by the Secretary of Veterans Affairs determined by the physician of such veteran or member.

(f) ELIGIBILITY FOR COMPENSATION.—A family caregiver as defined in subsection (k) shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(g) COSTS OF TRAINING.—Any costs of training provided under the pilot program under this section shall be eligible for reimbursement from the Department of Veterans Affairs for care provided to such veteran or member.

(h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under the pilot program for family caregivers under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(i) REPORT.—Not later than 2 years after the date of the commencement of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program carried out under this section, including the recommendations of the Secretary with respect to expansion or modification of the pilot program.

(j) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) establish a mandate or right for a family caregiver to be trained and certified under this section; and

(2) prohibit the Secretary from considering or adopting the preference of a veteran or member of the Armed Forces for services provided by a personal care attendant who is not a family caregiver.

(k) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ‘family caregiver’ means a family member of such member or veteran, or such other individual of similar affinity to such member or veteran as the Secretary of Veterans Affairs determines is providing care to such member or veteran for such traumatic brain injury.

SEC. 210. PILOT PROGRAM ON PROVISION OF RESPITE CARE TO MEMBERS OF THE ARMED FORCES AND VETERANS WITH TRAUMATIC BRAIN INJURY BY STUDENTS IN GRADUATE PROGRAMS OF EDUCATION RELATED TO MENTAL HEALTH OR REHABILITATION.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to provide—

(1) relief to the family caregivers of such members and veterans from the responsibilities associated with providing care to such members and veterans; and

(2) socialization and cognitive skill development to such members and veterans.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) COVERED MEMBERS AND VETERANS.—The members of the Armed Forces and veterans described in this subsection are the individuals as follows:

(1) Members of the Armed Forces who have been diagnosed with a traumatic brain injury, including limitations of ambulatory mobility, cognition, and verbal abilities.

(2) Veterans who have been so diagnosed.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not more than 10 locations selected by the Secretary of Veterans Affairs of the Armed Forces. Such location so selected shall be a medical facility of the Department of Veterans Affairs that is in close proximity to, or that has a relationship with, an institution of higher education that has a graduate program in an appropriate mental health or rehabilitation related field, such as social work, nursing, psychology, occupational therapy, physical therapy, or interdisciplinary training programs.

(2) CONSIDERATIONS.—In selecting medical facilities of the Department of Veterans Affairs to serve as locations for a pilot program, the Secretary shall give special consideration to the following:

(A) The polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(B) Facilities of the Department in regions with a high concentration of veterans with traumatic brain injury.

(e) SCOPE OF ASSISTANCE.—

(1) USE OF GRADUATE STUDENTS.—In carrying out the pilot program, the Secretary shall—

(A) recruit students enrolled in a graduate program of education selected by the Secretary under subsection (d)(1) to provide respite care to the members of the Armed Forces and veterans described in subsection (c);

(B) train such students to provide respite care to such members and veterans; and

(C) match such students with such members and veterans in the student’s local area for the provision of individualized respite care to such members and veterans.

(2) DETERMINATIONS IN CONJUNCTION WITH GRADS OF GRADUATE PROGRAMS OF EDUCATION.—The Secretary shall determine, in collaboration with the head of the graduate program of education chosen to participate in the pilot program under subsection (d)(1), the following:

(A) The quantity of training that a student shall complete before providing respite care under the pilot program.
fairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:
   (A) A description of how the proposal was developed in consultation with the Department of Veterans Affairs.
   (B) A plan to coordinate activities under the pilot program, to the greatest extent possible, with the local, State, and Federal programs of services for veterans to reduce the duplication of services and to increase the effect of such services.

(f) USE OF GRANT FUNDS.—The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

(g) REPORT ON PROGRAM.—
   (1) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.
   (2) ELEMENTS.—The report required by paragraph (1) shall include the following:
      (A) The findings and conclusions of the Secretary with respect to the pilot program.
      (B) An assessment of the benefits to veterans of the pilot program.
      (C) The recommendations of the Secretary as to the advisability of continuing the pilot program.

SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720f is amended by adding at the end the following new subsection:

"(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran's nursing needs."

SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO THIRD PARTY FOR COLLECTION OF CHARGES FOR PROVISION OF CERTAIN CARE.

(a) LIMITATIONS ON CONFIDENTIALITY OF MEDICAL RECORDS.—Section 501 is amended by adding at the end the following new subsection:

"(d) SUBTRACTION.—The Secretary shall prescribe the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a health care or service provider for a non-service-connected disability of the benefits to veterans of the pilot program.

SEC. 211. PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of using community-based organizations and local and State government entities—
   (1) to increase the coordination of community, Federal, State, and Federal providers of health care and benefits for veterans to assist veterans who are transitioning from military service to civilian life in such transition;
   (2) to increase the availability of high quality medical and mental health services to veterans transitioning from military service to civilian life;
   (3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adapt to civilian life; and
   (4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(c) PROGRAM LOCATIONS.—
   (1) IN GENERAL.—The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.
   (2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in—
      (A) rural areas;
      (B) areas with populations that have a high proportion of minority group representation;
      (C) areas with populations that have a high proportion of individuals who have limited access to health care; and
      (D) areas that are not in close proximity to an active duty military installation.

(d) GRANTS.—The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

(e) SELECTION OF GRANT RECIPIENTS.—
   (1) IN GENERAL.—A community-based organization seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an expanded study on the health impact of Project Shipboard Hazard and Defense (Project SHAD).
   (b) COVERED VETERANS.—The study required by subsection (a) shall include, to the extent practicable, all veterans who participated in Project Shipboard Hazard and Defense.
   (c) UTILIZATION OF EXISTING STUDIES.—The study required by subsection (a) may use results from the study covered in the report entitled "Long-Term Health Effects of Participation in Project SHAD" of the Institute of Medicine of the National Academies.

SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION OF ADULTS WITH TRAUMATIC BRAIN INJURY.

Section 174E is amended—
   (1) by redesignating subsection (b) as subsection (c);
   (2) by inserting after subsection (a) the following new subsection:

"(b) COVERED INDIVIDUALS.—The care and services provided under subsection (a) shall be made available to an individual—
   (1) who is described in section 1710(a) of this title; and
   (2) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation for such individual:";

and

(3) by adding at the end the following new subsection:

"(d) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.".

SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN PROGRAMS FOR STATE AND VETERANS HOMES.

(a) TREATMENT OF TRIBAL ORGANIZATION HEALTH FACILITIES AS STATE HOMES.—Section 8138 is amended—
   (1) by redesignating subsection (c) as subsection (f); and
   (2) by inserting after subsection (d) the following new subsection:

"(e) TREATMENT OF TRIBAL ORGANIZATIONS.—Chapter 81 is further amended by inserting after section 8137 the following new section:

"(1) I N GENERAL.—Chapter 81 is further amended by—
   (A) in subsection (a) by reason of this subsection to treat subsection (c) as if it were a separate section; and
   (B) in subsection (c) by reason of this subsection to—
      (1) insert after subsection (a) the following:

"(2) Definitions.—The term 'tribal organization' has the meaning given such term in section 3765 of title 25, United States Code (or section 8132 of title 38, United States Code)."

SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF PROJECT SHIPBOARD HAZARD AND DEFENSE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine of the National Academies to conduct
by the Secretary of Veterans Affairs for purposes of this subsection account the unique circumstances of tribal organizations.

(2) For purposes of coordinating activities under section 1750 of this title to an application submitted under subsection (a) of such section, an application submitted under subsection (a) by a tribal organization of a State that has previously applied for a grant under this subchapter for construction or acquisition of a State nursing home shall be considered under subparagraph (C) of such subsection (c)(2) an application from a tribal organization that has not previously applied for such a grant.

SEC. 217. PLAN TO IMPROVE PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

(a) Pilot Program Required.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b). This subsection, as amended by inserting after the item relating to dependents of veterans described in title I of such section, along with such recommendations of the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives the plan required by this section in section 1701 of title 38, United States Code, and the extent of comprehension of eligibility requirements for health care through the Department, and the scope of health care services available through the Department.

(b) Covered Veterans and Survivors and Dependents of Veterans.—The veterans and survivors of veterans described in section (b). This subsection shall affect the responsibility of the Secretary to provide dental care under section 1750 of this title.

(c) Duration of Program.—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act.

(d) Pilot Program Locations.—The pilot program shall be carried out in not less than two and not more than four Veterans Integrated Care Sites (VISNs) selected by the Secretary of Veterans Affairs for purposes of the pilot program.

(e) Administration.—The Secretary of Veterans Affairs shall contract with a dental insurer to administer the dental plan provided under the pilot program.

(f) Benefits.—The dental insurance plan under this subsection shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventive services, endodontics and other restorative services, surgical services, and emergency services.

(g) Enrollment.—

(1) Voluntary.—Enrollment in the dental insurance plan under this section shall be voluntary.

(2) Minimum Period.—Enrollment in the dental insurance plan under this subsection shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

(h) Premiums.—

(1) Voluntary.—Premiums for coverage under the dental insurance plan under the pilot program shall be in such amount or amounts as the Secretary of Veterans Affairs shall prescribe to cover all costs associated with the pilot program.

(2) Annual Adjustment.—The Secretary shall adjust the premiums under the pilot program for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time the adjustment shall be notified of the amount and effective date of such adjustment.

(i) Responsibility for Payment.—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

(j) Voluntary Disenrollment.—

(1) In General.—With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall—

(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for any of the reasons specified as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment would jeopardize the fiscal integrity of the dental insurance plan.

(2) Allowable Circumstances.—The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents utilization of the benefits under the dental insurance plan.

(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) Establishment of Procedures.—The Secretary shall establish procedures for determinations on the permissible of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(4) Relationship to Dental Care Provided by Secretary.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1750 of this title.

(5) Participation in Individual Dental Care.—The participation of an individual in the dental insurance plan under the pilot program shall not affect the individual’s entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

(6) Regulations.—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.

TITLE III—WOMEN VETERANS HEALTH CARE

SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH CARE FOR WOMEN VETERANS.

(a) Report.—Not later than June 1, 2010, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the barriers to receipt of comprehensive health care through the Department of Veterans Affairs that are encountered by women veterans, especially veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An identification and assessment of the following:

(A) Any stigma perceived or associated with seeking mental health care services through the Department of Veterans Affairs.

(B) The effect on access to care through the Department of driving distance or availability of other forms of transportation to the nearest appropriate facility of the Department.

(C) The availability of child care.

(D) The receipt of health care through women’s health clinics, integrated primary care clinics, or both.

(E) The extent of comprehension of eligibility requirements for health care through the Department, and the scope of health care services available through the Department.

(F) The quality and nature of the reception of women veterans by Department health care providers and other staff.

(G) The perception of personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(H) The sensitivity of Department health care providers and other staff to issues that particularly affect women.

(I) The effectiveness of outreach on health care services of the Department that are available to women veterans.

(J) Such other matters as the Secretary identifies as important for purposes of this subsection.

(2) Recommendations for administrative and legislative action as the Secretary considers appropriate in light of the report.

(3) Responsibility for Payment.—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan.

(4) Voluntary Disenrollment.—The voluntary disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(5) Assurance.—The Secretary shall prescribe for purposes of this subsection.

(6) Establishment of Procedures.—The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(7) Relationship to Dental Care Provided by Secretary.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1750 of this title.

(8) Participation in Individual Dental Care.—The participation of an individual in the dental insurance plan under the pilot program shall not affect the individual’s entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

(9) Regulations.—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.

TITLE III—WOMEN VETERANS HEALTH CARE

SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE SERVICES TO WOMEN VETERANS.

(a) Plan to Improve Services.—

(1) In General.—The Secretary of Veterans Affairs shall develop a plan—

(A) to improve the provision of health care services to women veterans; and

(B) to plan appropriately for the future health care needs, including mental health care needs, of women serving on active duty in the Armed Forces in the combat theaters of Operation Iraqi Freedom and Operation Enduring Freedom.

(2) Required Actions.—In developing the plan required by this subsection, the Secretary of Veterans Affairs shall—

(A) identify the types of health care services available to women veterans at each Department of Veterans Affairs medical center; and

(B) identify the personnel and other resources required to provide such services to women veterans under the plan at each such medical center.

(b) Submit to Congress.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives the plan required by this section, along with such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the plan.

SEC. 303. INDEPENDENT STUDY ON HEALTH CONSEQUENCES FOR WOMEN VETERANS OF SERVICE ON ACTIVE DUTY IN THE ARMED FORCES IN THE COMBAT THEATERS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) Study Required.—The Secretary of Veterans Affairs shall enter into an agreement with a non-Department of Veterans Affairs entity for the purpose of performing a study on health consequences for women veterans of service on active duty in the Armed Forces in the combat theaters of Operation Iraqi Freedom and Operation Enduring Freedom.
Forces in deployment in Operation Iraqi Freedom and Operation Enduring Freedom.

(b) SPECIFIC MATTERS STUDIED.—The study under subsection (a) shall include the following:

(1) A determination of any association of environmental and occupational exposures and combat in Operation Iraqi Freedom or Operation Enduring Freedom with general health, mental health, or reproductive health of women served on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) A review and analysis of published literature on environmental and occupational exposures of women while serving in the Armed Forces, including combat trauma, mental sexual trauma, and exposure to potential teratogens associated with reproductive problems and birth defects.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after entering into the agreement for the study under subsection (a), the entity described in subsection (a) shall submit to the Secretary of Veterans Affairs and to Congress a report on the study containing such findings and determinations as the entity considers appropriate.

(2) RESPONSIVE REPORT.—Not later than 90 days after the receipt of the report under paragraph (1), the Secretary shall submit to Congress a report setting forth the response of the Secretary to the findings and determinations of the entity described in subsection (a). The Secretary shall submit the report under paragraph (1) to Congress, the Secretary shall carry out the pilot program at not fewer than five medical centers.

SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA.

(a) PROGRAM REQUIRED.—Section 1729D is amended—

(1) by redesignating subsection (d) as subsection (f); and
(2) by inserting after subsection (c) the following new subsection:

```
(d) Advisory Committee on Women Veterans Receiving Health Care.

(1) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assist a woman veteran under the pilot program to receive health care services described in subsection (b) in group retreat settings to veterans who are recently separated from service in the Armed Forces.

(2) COVERED SERVICES.—The services provided to a woman veteran under the pilot program shall include the following:

(a) Information on reintegration into the veteran’s family, employment, and community.
(b) Financial counseling.
(c) Occupational counseling.
(d) Education and counseling on stress reduction.
(e) Information and counseling on conflict resolution.

(3) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran’s family and community.

(c) QUALIFIED VETERANS.—In this section, the term “qualified veteran” means a veteran who is the primary caregiver of a child and who has been certified by the Secretary to be eligible for enrollment of the veteran who is a minor child in the Department.

(d) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation of the pilot program as the Secretary considers appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $2,000,000 to carry out the pilot program.

SEC. 305. PILOT PROGRAM ON COUNSELING IN RECONCILIATION AND READJUSTMENT SERVICES FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out, through the Readjustment Counseling Service of the Veterans Health Administration, a pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services described in subsection (b) in group retreat settings to women veterans who are recently separated from service in the Armed Forces after a prolonged deployment.

(2) PARTICIPATION AT ELECTION OF VETERAN.—The participation of a veteran in the pilot program described in this section shall be at the election of the veteran.

(b) COVERED SERVICES.—The services provided to a woman veteran under the pilot program shall include the following:

(1) Information on reintegration into the veteran’s family, employment, and community.
(2) Financial counseling.
(3) Occupational counseling.
(4) Information and counseling on stress reduction.
(5) Information and counseling on conflict resolution.

(6) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran’s family and community.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation of the pilot program as the Secretary considers appropriate.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $2,000,000 to carry out the pilot program.

(f) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PROGRAM MANAGERS AT MEDICAL CENTERS.

The Secretary shall, not later than two years after the Under Secretary for Health, submit to Congress a report on employment of full-time women veterans program managers at Department of Veterans Affairs medical centers to ensure that health care needs of women veterans are met. Such report should include an assessment of whether there is at least one woman veterans program manager at each Department medical center who is a full-time women veterans program manager.
and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $1,500,000 to carry out the pilot program.

SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

(a) In General.—The Secretary may furnish health care services described in subsection (b) to a newborn child of a woman veteran who is receiving maternity care furnished by the Department not more than 7 days after the birth of the child if the veteran delivered the child in—

(1) a facility of the Department; or

(2) another facility pursuant to a Department contract for services relating to such delivery.

(b) COVERED HEALTH CARE SERVICES.—Health care services described in this section are all post-delivery care services, including routine care services, that a newborn requires.

(c) LOCAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 1785, "1786. Care for newborn children of women veterans receiving maternity care."

TITLES IV—MENTAL HEALTH CARE

SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES WHO SERVED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM FOR COUNSELING AND SERVICES THROUGH READJUSTMENT COUNSELING SERVICE.

(a) In General.—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through Readjustment Counseling Service of the Veterans Health Administration.

(b) No Requirement for Current Active Duty Service.—A member of the Armed Forces who is eligible for readjustment counseling and related mental health services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

(c) Regulations.—The eligibility of members of the Armed Forces for counseling and services under subsection (a) shall be subject to such regulations as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe for purposes of this section.

(d) SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The provision of counseling and services under subsection (a) shall be subject to the availability of appropriations for such purpose.

SEC. 402. RESTORATION OF AUTHORITY OF READJUSTMENT COUNSELING SERVICE TO PROVIDE REFERRAL AND OTHER ASSISTANCE UPON REQUEST TO FORMER MEMBERS OF THE ARMED FORCES NOT AUTHORIZED COUNSELING.

Section 1712A is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall—

(1) provide referral services to assist such individual to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service, or to the Department, for review of such individual's discharge or release from such service."

SEC. 403. STUDY ON SUICIDES AMONG VETERANS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study to determine the number of veterans who died by suicide between January 1, 1997, and the date of the enactment of this Act.

(b) COVERING study.—The Secretary shall carry out the study under subsection (b) by—

(1) the Secretary of Defense;

(2) Veterans Service Organizations; and

(3) the Centers for Disease Control and Prevention;

(c) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the study required under subsection (b) and the findings of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES FOR MENTAL HEALTH EDUCATION PROGRAM.

(a) TRANSFER OF FUNDS.—Not later than September 30, 2010, the Secretary of Veterans Affairs shall transfer to the Secretary of Health and Human Services of the United States the sum of $5,000,000 from programs described in subsection (c) to carry out a mental health education program.

(b) USE OF FUNDS TRANSFERRED.—Funds transferred under subsection (a) shall be used to—

(1) provide grants to public and nonprofit organizations (including faith-based and community organizations) to—

(A) conduct research on mental health issues for veterans in the United States; and

(B) support education and training initiatives of the Department of Veterans Affairs; and

(2) provide funds to public and nonprofit organizations (including faith-based and community organizations) to—

(A) provide assistance in the development and implementation of new education and training initiatives of the Department of Veterans Affairs; and

(B) develop new education and training initiatives of the Department of Veterans Affairs.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under this section shall cease on the date that is 3 years after the date of the enactment of this Act.

SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT FOR FORMERLY HOMELESS VETERANS RESIDING IN HOMEOWNERSHIP.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is property—

(1) which was part of a military installation that was closed in accordance with—

(A) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(B) subchapter III of chapter 5 of title 40, United States Code; and

(2) the Secretary of Defense determines, after considering any redevelopment plans of any local redevelopment authority relating to such property, may be used to assist the homeless in accordance with such redevelopment plan.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is 5 years after the date on which the Secretary makes grants under such program.

(e) VERY LOW INCOME DEFINED.—In this section, the term ‘‘very low income’’ has the meaning given that term in the Resident Characteristics Reports issued annually by the Department of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading ‘‘General Operating Expenses’’, not more than $3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT FOR ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING IN PERMANENT HOUSING.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing.

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is property in the United States on which permanent housing is provided or afforded to formerly homeless veterans, as determined by the Secretary.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is 5 years after the date on which the Secretary makes grants under such program.
after the date of the commencement of the pilot program.

(e) Very Low Income Defined.—In this section, the term ‘very low income’ has the meaning given that term in the Resident Characteristics Reports issued annually by the Department of Housing and Urban Development.

(f) Authorization of Appropriations.—There is authorized to be appropriated from amounts made available under the heading ‘General Operating Expenses’, not more than $3,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE TRANSPORTATION ASSISTANCE, CHILD CARE ASSISTANCE, AND CLINICAL AND REHABILITATION SERVICES TO VETERANS ENTITLED TO A REHABILITATION PROGRAM.

(a) Pilot Program Authorized.—

(1) In general.—Subject to the availability of appropriations authorized under subsection (g), the Secretary of Veterans Affairs may carry out a pilot program to—

(A) provide financial support to entities that provide assistance in the transportation, child care, and clinical and rehabilitation services to veterans entitled to a rehabilitation program; and

(B) establish new programs or activities, or expand or modify existing programs or activities, to provide to each eligible transitioning individual who is entitled and eligible for rehabilitation services through the pilot program.

(2) Pilot Program.—The pilot program established under subsection (a)(1) shall cease on the date that is three years after the date of the commencement of the pilot program.

(b) Application.—An eligible entity seeking a grant under the pilot program shall submit an application to the Secretary in such form and in such manner as the Secretary considers appropriate.

(1) The amount of the grant sought for the project or activity.

(2) Plans, specifications, and the schedule for implementation of the project or activity.

(3) Such information as the Secretary determines to be necessary to ensure proper disbursement and accounting with respect to the grant to and to such payments as may be made under this section.

(c) Agreement.—(1) There is authorized to be appropriated from amounts made available under the heading ‘General Operating Expenses’, not more than $5,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

(2) Authorization of Appropriations.—

(d) Criteria for Grants.—The Secretary shall establish criteria and requirements for grants under the pilot program, including criteria for eligible entities to receive such grants.

(e) Duration of Program.—The authority of the Secretary to provide grants under the pilot program, including criteria and requirements established under subsection (c), shall cease on the date that is five years after the date of the commencement of the pilot program.

(f) Authorization of Appropriations.—There is authorized to be appropriated from amounts made available under the heading ‘General Operating Expenses’, not more than $3,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE TRANSPORTATION ASSISTANCE, CHILD CARE ASSISTANCE, AND CLINICAL AND REHABILITATION SERVICES TO VETERANS ENTITLED TO A REHABILITATION PROGRAM.

(a) Pilot Program Authorized.—

(1) In general.—Subject to the availability of appropriations authorized under subsection (g), the Secretary of Veterans Affairs may carry out a pilot program to—

(A) provide financial support to entities that provide assistance in the transportation, child care, and clinical and rehabilitation services to veterans entitled to a rehabilitation program; and

(B) establish new programs or activities, or expand or modify existing programs or activities, to provide to each eligible transitioning individual who is entitled and eligible for rehabilitation services through the pilot program.

(2) Pilot Program.—The pilot program established under subsection (a)(1) shall cease on the date that is three years after the date of the commencement of the pilot program.

(b) Application.—An eligible entity seeking a grant under the pilot program shall submit an application to the Secretary in such form and in such manner as the Secretary considers appropriate.

(1) The amount of the grant sought for the project or activity.

(2) Plans, specifications, and the schedule for implementation of the project or activity.

(3) Such information as the Secretary determines to be necessary to ensure proper disbursement and accounting with respect to the grant to and to such payments as may be made under this section.

(c) Agreement.—(1) There is authorized to be appropriated from amounts made available under the heading ‘General Operating Expenses’, not more than $5,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

(2) Authorization of Appropriations.—

(3) Application.—An eligible entity seeking a grant under the pilot program shall submit an application to the Secretary in such form and in such manner as the Secretary considers appropriate.

(4) Selection of Grant Recipients.—

(a) Application.—An eligible entity seeking a grant under the pilot program shall submit an application to the Secretary for approval.

(b) Agreement.—Each application submitted under paragraph (1) shall include the following:

(1) The amount of the grant sought for the project or activity.

(2) Plans, specifications, and the schedule for implementation of the project or activity.

(3) Such information as the Secretary determines to be necessary to ensure proper disbursement and accounting with respect to the grant to and to such payments as may be made under this section.

(b) Duration of Program.—The authority of the Secretary to provide grants under the pilot program, including criteria and requirements established under subsection (c), shall cease on the date that is five years after the date of the commencement of the pilot program.

(b) Criteria for Grants.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(c) Duration of Program.—The authority of the Secretary to provide grants under the pilot program, including criteria and requirements established under subsection (b), shall cease on the date that is five years after the date of the commencement of the pilot program.

(d) Authorization of Appropriations.—There is authorized to be appropriated from amounts made available under the heading ‘General Operating Expenses’, not more than $3,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 505. ASSESSMENT OF PILOT PROGRAMS.

(a) Progress Reports.—Not less than one year before the expiration of the authority to carry out a pilot program authorized by sections 501 through 504, the Secretary of Veterans Affairs shall submit to Congress a progress report on such pilot program.

(b) Certification.—Each progress report submitted for a pilot program under subsection (a) shall include the following:

(1) The lessons learned by the Secretary of Veterans Affairs with respect to such pilot program that can be applied to other programs with similar purposes.

(2) The recommendations of the Secretary on whether to continue such pilot program.

(3) The number of veterans and dependents served by such pilot program.

(4) An assessment of the quality of service provided to veterans and dependents under such pilot program.

(5) The amount of funds provided to grant recipients under such pilot program.

(6) The names of organizations that have received grants under such pilot program.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

SEC. 601. GENERAL AUTHORITIES OF NONPROFIT RESEARCH AND EDUCATION CORPORATIONS.

(a) Authorization of Multi-Medical Center Research Corporations.—

(A) In general.—The Secretary of Veterans Affairs is amended—

(A) by redesigning subsection (b) as subsection (e); and

(B) by redesigning subsection (c) as subsection (d); and

(C) by redesigning subsection (d) as subsection (c); and

(D) by redesigning subsection (e) as subsection (b).
(B) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a ‘multi-medical-center research corporation.’

“(2) By inserting after subsection (b) of such section is amended—

“(A) by inserting ‘or other at the other Department medical centers concerned’; and

“(B) by inserting after subsection (b) of such section is amended by striking ‘exempt from taxation under’.

“(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located, and to the extent not inconsistent with any Federal law, bylaws of such corporation. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located.

“(d) By inserting after subsection (b) of such section is amended by striking “the chief of staff; and” and inserting “the chief of staff; and”.

“(e) By inserting after subsection (b) of such section is amended by striking “A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of;” and

“(f) The term ‘research corporation that facilitates the conduct of research, education, or both at the other Department medical centers concerned’ includes such a multi-medical center research corporation.

“(g) By inserting at the end the following new sub-paragraph:

“(h) By inserting after subsection (c) the following new sub-paragraph:

“(i) By inserting at the end the following new sub-paragraph:

“(j) By inserting after subsection (d) the following new sub-paragraph:

“(k) By inserting after subsection (e) the following new sub-paragraph:

“(l) By inserting after subsection (f) the following new sub-paragraph:

“(m) By inserting after subsection (g) the following new sub-paragraph:

“(n) By inserting after subsection (h) the following new sub-paragraph:

“(o) By inserting after subsection (i) the following new sub-paragraph:

“(p) By inserting after subsection (j) the following new sub-paragraph:

“(q) By inserting after subsection (k) the following new sub-paragraph:

“(r) By inserting after subsection (l) the following new sub-paragraph:

“(s) By inserting after subsection (m) the following new sub-paragraph:

“(t) By inserting after subsection (n) the following new sub-paragraph:

“(u) By inserting after subsection (o) the following new sub-paragraph:

“(v) By inserting after subsection (p) the following new sub-paragraph:

“(w) By inserting after subsection (q) the following new sub-paragraph:

“(x) By inserting after subsection (r) the following new sub-paragraph:

“(y) By inserting after subsection (s) the following new sub-paragraph:

“(z) By inserting after subsection (t) the following new sub-paragraph:

“(aa) By inserting after subsection (u) the following new sub-paragraph:

“(bb) By inserting after subsection (v) the following new sub-paragraph:

“(cc) By inserting after subsection (w) the following new sub-paragraph:

“(dd) By inserting after subsection (x) the following new sub-paragraph:

“(ee) By inserting after subsection (y) the following new sub-paragraph:

“(ff) By inserting after subsection (z) the following new sub-paragraph:

“(gg) By inserting after subsection (aa) the following new sub-paragraph:

“(hh) By inserting after subsection (bb) the following new sub-paragraph:

“(ii) By inserting after subsection (cc) the following new sub-paragraph:

“(jj) By inserting after subsection (dd) the following new sub-paragraph:

“(kk) By inserting after subsection (ee) the following new sub-paragraph:

“(ll) By inserting after subsection (ff) the following new sub-paragraph:

“(mm) By inserting after subsection (gg) the following new sub-paragraph:

“(nn) By inserting after subsection (hh) the following new sub-paragraph:

“(oo) By inserting after subsection (ii) the following new sub-paragraph:

“(pp) By inserting after subsection (jj) the following new sub-paragraph:

“(qq) By inserting after subsection (kk) the following new sub-paragraph:

“(rr) By inserting after subsection (ll) the following new sub-paragraph:

“(ss) By inserting after subsection (mm) the following new sub-paragraph:

“(tt) By inserting after subsection (nn) the following new sub-paragraph:

“(uu) By inserting after subsection (oo) the following new sub-paragraph:

“(vv) By inserting after subsection (pp) the following new sub-paragraph:

“(ww) By inserting after subsection (qq) the following new sub-paragraph:

“(xx) By inserting after subsection (rr) the following new sub-paragraph:

“(yy) By inserting after subsection (ss) the following new sub-paragraph:

“(zz) By inserting after subsection (tt) the following new sub-paragraph:

“(aaa) By inserting after subsection (uu) the following new sub-paragraph:

“(bbb) By inserting after subsection (vv) the following new sub-paragraph:

“(ccc) By inserting after subsection (xx) the following new sub-paragraph:

“(ddd) By inserting after subsection (yy) the following new sub-paragraph:

“(eee) By inserting after subsection (zz) the following new sub-paragraph:

“(ffe) By inserting after subsection (aaa) the following new sub-paragraph:

“(ggg) By inserting after subsection (bbb) the following new sub-paragraph:

“(hhh) By inserting after subsection (ccc) the following new sub-paragraph:

“(iii) by inserting ‘A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of;’ and

“(jjj) by inserting after subsection (dd) the following new sub-paragraph:

“(kkk) by inserting after subsection (ee) the following new sub-paragraph:

“(lll) by inserting after subsection (ff) the following new sub-paragraph:

“(mmm) by inserting after subsection (ggg) the following new sub-paragraph:

“(nnn) by inserting after subsection (hhh) the following new sub-paragraph:

“(ooo) by inserting after subsection (iii) the following new sub-paragraph:

“(ppp) by inserting after subsection (jjj) the following new sub-paragraph:

“(hhh) by inserting after subsection (kkk) the following new sub-paragraph:

“(jjj) by inserting after subsection (lll) the following new sub-paragraph:

“(kkk) by inserting after subsection (mmm) the following new sub-paragraph:

“(lll) by inserting after subsection (nnn) the following new sub-paragraph:

“(mmm) by inserting after subsection (ooo) the following new sub-paragraph:

“(ooo) by inserting after subsection (ppp) the following new sub-paragraph:

“(ppp) by inserting after subsection (hhh) the following new sub-paragraph:

“(hhh) by inserting after subsection (jjj) the following new sub-paragraph:

“(jjj) by inserting after subsection (kkk) the following new sub-paragraph:

“(kkk) by inserting after subsection (lll) the following new sub-paragraph:

“(lll) by inserting after subsection (mmm) the following new sub-paragraph:

“(mmm) by inserting after subsection (nnn) the following new sub-paragraph:

“(nnn) by inserting after subsection (ooo) the following new sub-paragraph:

“(ooo) by inserting after subsection (ppp) the following new sub-paragraph:

“(ppp) by inserting after subsection (hhh) the following new sub-paragraph:

“(hhh) by inserting after subsection (jjj) the following new sub-paragraph:

“(jjj) by inserting after subsection (kkk) the following new sub-paragraph:

“(kkk) by inserting after subsection (lll) the following new sub-paragraph:

“(lll) by inserting after subsection (mmm) the following new sub-paragraph:

“(mmm) by inserting after subsection (nnn) the following new sub-paragraph:

“(nnn) by inserting after subsection (ooo) the following new sub-paragraph:

“(ooo) by inserting after subsection (ppp) the following new sub-paragraph:

“(ppp) by inserting after subsection (hhh) the following new sub-paragraph:

“(hhh) by inserting after subsection (jjj) the following new sub-paragraph:

“(jjj) by inserting after subsection (kkk) the following new sub-paragraph:

“(kkk) by inserting after subsection (lll) the following new sub-paragraph:

“(lll) by inserting after subsection (mmm) the following new sub-paragraph:

“(mmm) by inserting after subsection (nnn) the following new sub-paragraph:

“(nnn) by inserting after subsection (ooo) the following new sub-paragraph:

“(ooo) by inserting after subsection (ppp) the following new sub-paragraph:

“(ppp) by inserting after subsection (hhh) the following new sub-paragraph:

“(hhh) by inserting after subsection (jjj) the following new sub-paragraph:

“(jjj) by inserting after subsection (kkk) the following new sub-paragraph:

“(kkk) by inserting after subsection (lll) the following new sub-paragraph:

“(lll) by inserting after subsection (mmm) the following new sub-paragraph:

“(mmm) by inserting after subsection (nnn) the following new sub-paragraph:

“(nnn) by inserting after subsection (ooo) the following new sub-paragraph:

“(ooo) by inserting after subsection (ppp) the following new sub-paragraph:

“(ppp) by inserting after subsection (hhh) the following new sub-paragraph:

“(hhh) by inserting after subsection (jjj) the following new sub-paragraph:

“(jjj) by inserting after subsection (kkk) the following new sub-paragraph:

“(kkk) by inserting after subsection (lll) the following new sub-paragraph:
under section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) Conforming Amendment.—Section 7362(a), as amended by section 602(a)(1) of this Act, is further amended by striking the last sentence.

SEC. 605. REDesignation of section 7364A OF TITLE 38, UNITED STATES CODE.

(a) Redesignation.—Section 7364A is redesignated as section 7365.

(b) Clerical Amendments.—The table of sections at the beginning of chapter 73 is amended—

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item: “7365. Coverage of employees under certain Federal tort claims laws.”

SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.

(a) Additional Information in Annual Reports.—Subsection (b) of section 7366 is amended to read as follows:

“(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

“(2)(A) A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year.

“(B) With annual revenues between $10,000 and $300,000 shall obtain an audit of the corporation at least once every three years.

“(C) Any audit under this paragraph shall be performed by an independent auditor.

“(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

“(1) The most recent audit of the corporation under paragraph (2).

“(2) The most recent Internal Revenue Service Form 990, Form 990-EZ, or equivalent and the applicable schedules under such form.

“(b) Confirmation of Application of Conflict of Interest Regulations to Appropriate Corporation Positions.—Subsection (c) of such section is amended—

(1) by striking “laws” and each place it appears;

(2) in paragraph (1)—

(A) by inserting “each officer” and after “under subparagraph” inserting “and each employee of the Department”; and

(B) by striking “and each employee of the Department” and all that follows through “during any year” and

(3) in paragraph (2)—

(A) by inserting “officer” after “verifying that each director”;

(B) by striking “in the same manner” and all that follows before the period at the end.

(c) Establishment of Appropriate Payee Reporting Threshold.—Subsection (d)(3)(C) of such section is amended by striking “$55,000” and inserting “$50,000.”

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

“(A) enforce Federal laws;

“(B) enforce the rules prescribed under section 901 of this title;

“(C) enforce traffic and motor vehicle laws of a State, or governmental regulation (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

“(D) carry the appropriate Department-issued forms, while on Department property in an official capacity or while in an official travel status;

“(E) conduct investigations, on and off Department property, that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultations with affected local, State, or Federal law enforcement agencies; and

“(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) when engaged in duties authorized by other Federal statutes.”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by inserting “., and on any arrest warrant issued by competent judicial authority” before the period; and

(2) by amending subsection (c) to read as follows:

“(c) The powers granted to Department police officers designated under this section shall be performed by the following:

“(1) The most recently current as prescribed by the Office of Personnel Management;

“(2) The most recent Internal Revenue Service Form 990, Form 990-EZ, or equivalent and the applicable schedules under such form; and

“(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

“(A) The most recent audit of the corporation under paragraph (2).

“(B) The most recent Internal Revenue Service Form 990, Form 990-EZ, or equivalent and the applicable schedules under such form."

SEC. 702. UNIFORM ALLOWANCE FOR DEPART- MENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

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

“(b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of—

“(A) the amount currently allowed as prescribed by the Office of Personnel Management;

“(B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

“(2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.”;

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) The allowance established under subsection (b) shall be paid upon the request of the officer.”.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am pleased to join my colleague, Senator LINCOLN of Arkansas, to introduce the Medicare Home Infusion Coverage Act. As we do so, we recognize that Medicare has serious fiscal challenges. Currently, the Part A, Hospital, Trust Fund faces insolvency in 2019, when expenditures will exceed projected contributions and require additional taxpayer support to maintain the care required by some of the most disabled Americans. At the same time, today Medicare beneficiaries struggle under the burden of paying nearly half of their health care costs. So the legislation we are re-introducing is vital to addressing the fiscal issues affecting Medicare.

Many serious conditions—including some cancers and drug-resistant infections—require the use of infusion therapy. Such treatments involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services—such as sterile drug compounding, care coordination, and patient education and monitoring—are components of such therapy. Infusion treatment is an extensive medical treatment often lasting for several hours per day over a 6- to 8-week period.

The unfortunate fact is that under current Medicare rules, patients requiring infusion therapy must either bear that cost themselves or endure costly and unnecessary hospitalization in order to receive coverage—raising costs, and so many times higher than treatment in the home. The process may even place the patient’s health in jeopardy because unnecessary hospitalization places individuals at risk of exposure to a health care-acquired infection—which may be drug resistant and life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus, private insurance coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have a familiar, comfortable environment with their family conveniently at hand—no small concern when fighting a serious illness.

It is clear we must change the status quo, and achieve safer, more cost-effective treatment. By extending coverage of infusion therapy to the home, we will correct this inappropriate and unnecessary gap in Medicare coverage and take a significant step in Medicare alike. Current Medicare regulations authorize payment for infusion drugs, but do not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though home infusion therapy may cost as little as $100 a day, too few seniors can bear that cost.

The result is that patients are excessively hospitalized, producing costs of treatment as much as 10–20 times higher than treatment in the home. The process may even place the patient’s health in jeopardy because unnecessary hospitalization places individuals at risk of exposure to a health care-acquired infection—which may be drug resistant and life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus, private insurance coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have a familiar, comfortable environment with their family conveniently at hand—no small concern when fighting a serious illness.
There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

8. 254

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 “Medicare Home Infusion Therapy Coverage Act of 2009”.

SEC. 2. MEDICARE COVERAGE OF HOME INFUSION THERAPY.

(a) In General.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subsection (s)(2)—

(A) by striking “and” at the end of subparagraph (DD); and

(B) by adding “and” at the end of subparagraph (EE); and

(c) by adding at the end the following new subparagraph:

“FF) home infusion therapy (as defined in subsection (h)(1)(A)); and”;

and

(2) by adding at the end the following new subsection:

“(n) PAYMENT FOR HOME INFUSION THERAPY.—The payment amount under this part for home infusion therapy is determined as follows:—

“(1) IN GENERAL.—The Secretary shall determine a per diem schedule for payment for the professional services, supplies, and equipment described in section 1861(h)(1)(A) that reflects the reasonable costs incurred in the provision of home infusion therapy to Medicare beneficiaries that have reasonable access to such therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

“(2) NURSING SERVICES.—The Secretary shall develop a methodology for the separate payment for nursing services described in section 1861(h)(1)(B) provided in accordance with the plan under such section which reflects the reasonable costs incurred in the provision of nursing services in connection with infusion therapy in conformity with State and Federal laws, regulations, and the uniformity and safety standards developed under section 1861(h)(1) and to assure that Medicare beneficiaries have reasonable access to such therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

“(2) NURSING SERVICES.—The Secretary shall develop a methodology for the separate payment for nursing services described in section 1861(h)(1)(B) provided in accordance with the plan under such section which reflects the reasonable costs incurred in the provision of nursing services in connection with infusion therapy in conformity with State and Federal laws, regulations, and the uniformity and safety standards developed under section 1861(h)(1) and to assure that Medicare beneficiaries have reasonable access to such therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

“(c) CONFORMING AMENDMENTS.—

(1) PAYMENT REFERENCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 101(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–175), is amended—

(A) by striking “and” before “(W)”; and

(B) by inserting before the semicolon at the end the following: “, and (X) with respect to any dispense—

“(i) preparation of parenteral medications in connection with infusion therapy, the amounts paid shall be determined under section 1834(n);”.

(2) DIRECT PAYMENT.—The first sentence of subsection (b)(6) of such Act (42 U.S.C. 1395w–18(b)(6)) is amended—

(A) by striking “and” before “(H)”; and

(B) by inserting before the period at the end the following: “, and (I) in the case of any drug used to make the qualified home infusion therapy benefit under the amendments made by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion drugs, such drug shall be made to the qualified home infusion therapy provider”.

(3) EXCLUSION FROM DURABLE MEDICAL EQUIPMENT AND HOME HEALTH SERVICES.—Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(a) by adding—

“any drug under part B of title XVIII of the Social Security Act, other than a drug used to make the qualified home infusion therapy benefit under the amendments made by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion drugs, such drug shall be made to the qualified home infusion therapy provider”;

and

(4) APPLICATION OF ACCREDITATION PROVISIONS.—The provisions of section 1866(b)(1) of the Social Security Act (42 U.S.C. 1395w–18(b)(1)) apply to the accreditation of home infusion therapy providers in the manner they apply to other suppliers.

SEC. 3. MEDICARE COVERAGE OF HOME INFUSION DRUGS.

(a) In General.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)), as amended by section 182 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in paragraph (1)—

(A) by striking “or” at the end of subparagraph (A); and

(B) by striking the last word of subparagraph (B) and the last semicolon of such subparagraph;

and

(c) by adding at the end the following new subparagraph:

“(L) home infusion drug (as defined in paragraph (5)); and”;

and

(2) by adding at the end the following new subparagraph:

“(M) home infusion drug defined.—For purposes of this part, the term ‘home infusion drug’ means a parenteral drug or biological administered via an intravenous, intraspinal, intra-articular, intrathecal, epidural, subcutaneous, or intramuscular access device inserted into the body, and includes a drug used for catheter maintenance and declotting, a drug contained in a device, vitamins, intravenous solutions, diluents and minerals, and other components used in the provision of home infusion therapy.”;

(b) INFUSION DRUG FORMULARIES.—For purposes of this part, the term ‘formulary’ means a list of drugs approved for use by the Secretary for Medicare patients who are covered under Medicare, except that such term does not include drugs used to make the qualified home infusion therapy benefit under the amendments made by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion drugs, such drug shall be made to the qualified home infusion therapy provider.

(c) OBJECTIVES IN IMPLEMENTATION.—The Secretary of Health and Human Services shall ensure that the Medicare home infusion therapy benefit established by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion drugs and that there is rapid and seamless coordination between drug coverage under part D of title XVIII of the Social Security Act and coverage for home infusion drug services under part B of such title. Specifically, the Secretary shall ensure that—
(1) the benefit is practical and workable with minimal administrative burden for beneficiaries, qualified home infusion therapy providers, physicians, prescription drug plans, Medicare Advantage plans, and Medicare Advantage organizations, and the Secretary shall consider the use of consolidated claims encompassing covered part D drugs and part B services, supplies, and equipment under such part B to ensure the efficient operation of this benefit; 
(2) any prior authorization or utilization review process is expeditious, allowing Medicare beneficiaries meaningful access to home infusion therapy; 
(3) medical necessity determinations for home infusion therapy will be made—
   (A) as provided in subparagraph (B), by Medicare administrative contractors under such part B and communicated to the appropriate prescription drug plans; or 
   (B) in the case of an individual enrolled in a Medicare Advantage plan, by the Medicare Advantage organization offering the plan; and 
   (4) the benefit is modeled on current private sector coverage and coding for home infusion therapy; and
(5) prescription drug plans and MA–PD plans structure their formularies, utilization review policies, and other benefit policies in a way that ensures that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.
(b) HOME INFECTION THERAPY ADVISORY PANEL.—In implementing such home infusion therapy benefit and meeting the objectives specified in subsection (a), the Secretary shall establish an advisory panel to provide advice and recommendations. Such panel shall—
(1) be comprised primarily of qualified home infusion therapy providers and their representative organizations;
(2) also include representatives of the following:
   (i) Patient organizations.
   (ii) Hospital discharge planners, care coordinators, or social workers.
   (iii) Prescription drug plan sponsors and Medicare Advantage organizations.
   (c) REPORT.—Not later than January 1, 2012, and every 2 years thereafter, the Comptroller General of the United States shall submit a report to Congress on Medicare beneficiary access to home infusion therapy. Each such report shall specifically address whether the objectives specified in subsection (a) have been met and shall make recommendations to Congress and the Secretary on how to improve the benefit and better ensure that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.

SEC. 5. EFFECTIVE DATE.
The amendments made by this Act shall apply to home infusion therapy furnished on or after January 1, 2010.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSHIN, Mr. SCHUMER, Mr. INHOFE, Mrs. McCaskill, Mr. KENNEDY of Rhode Island, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):
S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee of the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators KYL, REID, DURBIN, MCCONNELL, BINGAMAN, ENSHIN, SCHUMER, INHOFE, MCCASKILL, KERRY, BAYH, ALEXANDER, GRASSLEY, NELSON of Florida, JOHNSON, and CANTWELL the Combat Methamphetamine Enhancement Act of 2009.

This Act is designed to address problems that the Drug Enforcement Administration, DEA, has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2005. I was pleased to join former Senator Ted Stevens, and securing the passage of the original bill. I am pleased to introduce this legislation today to ensure that it operates as Congress intended.

The bill text would clarify that all retailers, including mail order retailers, who sell products that contain chemicals often used to make methamphetamine—like ephedrine, pseudoephedrine and phenylpropanolamine—must self-certify that they are trained, their personnel and will comply with the Combat Meth Act’s requirements; require distributors to sell these products only to retailers who have certified that they will comply with the law; require the DEA to publish the list of all retailers who have filed self-certifications, on the DEA’s website; and clarify that any retailer who negligently fails to file self-certification as required, may be subject to civil penalties.

The Combat Methamphetamine Epidemic Act that we passed in 2006 has been a resounding success. The number of methamphetamine labs in the United States has declined dramatically now that the ingredients used to make methamphetamine are harder to get.

The Combat Meth Act that became effective in September 2006 included important new provisions for retailer self-certification, employee training, requiring products to be placed behind counters, packaging requirements, required sales logbooks, and limits on the amounts that a person can purchase in a given day and over a 30-day period.

Now, because of that law’s implementation, the number of methamphetamine labs decreased from about 12,000 labs to about 7,300 labs a 41 percent decrease in just 1 year. Once the bill was enacted into law, the number of meth “super labs” in my home State of California declined from 30 in 2005 to only 17 in 2006.

Fewer meth labs means more than just less illegal drug production. According to the Fresno Bee, the DEA has reported that in 2003, 3,663 children were reported exposed to toxic meth labs nationwide but that number had been reduced to 319 in 2006. So things are moving in the right direction, and that is good news. But with more thousands of methamphetamine labs still operating in the U.S., and children still being exposed to their toxins, it is also clear that there is still work to be done.

After the Combat Meth Act became law, DEA examined how the retailer self-certification process was working. On May 16, 2007, DEA sent letters to the 1,600 distributors who they believed were selling products that contained ephedrine or pseudoephedrine, asking them to turn over lists of the retail stores that they sold to so that DEA could check to see how many of those retailers had self-certified as that law requires.

Rather than actively assisting the DEA in its efforts, about ¾ of the distributors failed to provide any information about the retail stores.

The distributors who did cooperate provided DEA with the names of 12,975 retail customers. When DEA checked those out, it found that about 8,300 of those retail stores had never self-certified as the law requires.

Based on these findings, the DEA estimates that nationwide, as many as 30,000 additional retail sellers of products that contain these listed chemicals are not complying with the law.

Unfortunately, there is no effective way for law enforcement to determine the universe of who is, and who is not, obeying the law. Currently, there is no requirement that the DEA before they start selling products with these listed chemicals.

Retailers can likely avoid negative consequences if they are ever confronted with their failure to self-certify. Currently, the law imposes sanctions only for willful and reckless refusals to self-certify. There is no punishment available if a retailer negligently fails to self-certify as required. Not even civil sanctions are available.

In short, without distributing restricting the supply of these products to retailers who have self-certified, retailers may simply take their chances, rather than self-certifying as the law intended for fear that they’ll never get caught, or if they do get caught, that they will never be punished.

It is unacceptable that, over two years after the Combat Meth Act imposed this requirement and became fully effective, tens of thousands of retailers still are not following the law. It is unacceptable that distributors of these products can continue to profit off their sales to retailers who are not complying, or are even refusing to comply with the law.

So this bill is designed to make the Combat Meth Act more effective, by putting in place a process that will ensure that every retailer who orders these products that can be used to make methamphetamine must comply with the law before they can get and resell the products.

First, it will require that all retail sellers of products with these listed chemicals must file self-certifications, clarifying that all retailers, including mail-order retailers.

Second, the DEA will be required to post all self-certified retailers on its
SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 822(a)) is amended—

(1) in paragraph (13), by striking "or" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; or";

(3) by inserting after paragraph (14) the following:

"(15) to schedule a distributed listed chemical product to a regulated seller, or to a regulated person referred to in section 310(e)(2) of the Controlled Substances Act to provide enhanced penalties.

SEC. 5. NEGLIGENCE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 822(a)(10)) is amended by inserting at the end the following:

"or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)".

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

BY MRS. FEINSTEIN (FOR HERSELF, MR. GRASSLEY, AND MR. BAYH):

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators Grassley and Bayh, the Saving Kids from Dangerous Drugs Act of 2009.

Over the last 2 years, Federal, State, and local law enforcement have increasingly seen drug dealers marketing and marketing their illegal drugs to appeal to minors, using techniques like combing drugs with candy and other flavorings to entice younger users. This bill would increase the criminal penalties that apply when criminals do this. This bill will ensure these appalling tactics are criminalized and severely punished.

The problem of flavoring illegal drugs to entice minors is well documented. A 2007 USA Today Article entitled "Flavored Meth Use on the Rise" stated that "Reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people." The flavoring of meth to appeal to minors is widespread across the Nation. In California, police have made repeated seizures of strawberry-flavored meth and local drug counselors warn that it also comes in cola, cherry, and orange flavors.

Strawberry flavoring packets were found in a meth lab raid in Arkansas in March of 2007. Similar seizures of flavored meth have been made in Minnesota, Mississippi, Missouri, Nevada, North Carolina, Oregon, and Virginia. Two people were arrested for manufacturing candy cotton flavored meth in Colorado in March of 2008.

The candying and flavoring of controlled substances is not limited to methamphetamine. As recently as March of this year, the DEA seized 1 1/2 pounds of strawberry flavored powdered cocaine in Modesto, CA.

DEA agents in California have also purchased cocaine with lemon, coconut, and cinnamon flavoring. It has also been documented that other controlled substances like marijuana and hash oil infused into candy bars and soda pop.

Drug dealers are even selling boxes of "Pot Tarts that look exactly like commercial available Pop Tarts.

Federal, State and local law enforcement all agree that such flavoring is done to entice more minors to use these illegal drugs.

This bill would help address this growing problem by criminalizing the flavoring, coloring and marketing of such drugs and would impose enhanced penalties for these offenses.

Under current law, there is already an enhanced penalty if someone distributes drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But this enhancement only applies if there is an actual distribution to a minor. Even possession with intent to distribute flavored or candied drugs doesn’t qualify.

This bill would fix this loophole. If someone manufactures, creates, distributes, or possesses with intent to distribute a schedule I or II controlled substance that is combined with a candy, marketed or packaged to appear similar to a candy product, or modified by flavoring or coloring with the intent to sell to a minor, they would face enhanced penalties.

The bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to make them more appealing to our children, there will be a very heavy price to pay. It will make drug dealers think twice before flavoring up their drugs, and punish them appropriately if they don’t.

The bill is supported by the National Narcotics Officers Association Coalition, which is comprised of 44 State narcotics officers’ associations.

I urge my colleagues to join me in supporting this bill.

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. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and the Congress of the United States do enact as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Saving Kids from Dangerous Drugs Act of 2009”.

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture, create, distribute, dispense, or possess with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

(A) combined with a candy product; or

(B) marketed or packaged to appear similar to a candy product; or

(C) modified by flavoring or coloring the controlled substance with the intent to distribute or sell the controlled substance to a person under 21 years of age.

(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

(A) 2 times the maximum punishment and at least 2 times any term of supervised release authorized by subsection (b) of this section for a first offense involving the same controlled substance and schedule; and

(B) 3 times the maximum punishment and at least 3 times any term of supervised release authorized by subsection (b) of this section for a second or subsequent offense involving the same controlled substance and schedule.

(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. KOHL, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 260. A bill to amend the Internal Revenue Code of 2008 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation with Senator MIKULSKI and 10 of our colleagues that I hope will be added to any economic stimulus package considered by Congress in the coming weeks. This bill will put the brakes on a tax break gravy train for U.S. companies that move U.S. jobs offshore.

The U.S. economy is facing its most serious financial challenge since the Great Depression, and we must respond aggressively. I think a new economic stimulus plan is urgently needed to help prevent the economy from sliding deeper into a long-term recession. I agree with those who say that a major goal of the stimulus plan should be to create more jobs, but I think we also have an opportunity to make a change that will keep the jobs we already have.

Employers have been slashing jobs at an alarming rate—2.6 million jobs last year—to reduce operating costs. The manufacturing and construction sectors have been particularly hard hit during this downturn. The manufacturing sector lost 791,000 workers in 2009, plus such Duffy bicycles or more than 4 million U.S. manufacturing jobs since the end of 2000. Federal tax laws have contributed to this problem.

There is one thing that Congress can do immediately to stem the loss of more manufacturing jobs: repeal the perverse tax subsidy in the Federal Tax Code for U.S. companies that move manufacturing operations and American jobs overseas. Only will this help keep good-paying manufacturing jobs here at home, it will save American taxpayers more than $15 billion in revenue over the next decade.

Unbelievably, there is an insidious tax subsidy that allows U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. When a U.S. company closes down a U.S. manufacturing plant such as Duffy bicycles or Radio Flyer little red wagons, fires its American workers and moves those good-paying jobs to China or other locations abroad, U.S. tax law actually provides those companies with a large tax break—allowing them to avoid paying any U.S. income taxes on their foreign earnings until those profits are returned, if ever, to this country. If a company making the same product decides to stay in this country, on the other hand, it is required to pay immediate U.S. taxes on the profits it earns here.

Repealing this jobs export tax subsidy will not hinder the ability of U.S. firms to compete against foreign competitors in foreign markets, as some special interests have claimed. It is targeted only to U.S. firms that move production abroad and then turn around and ship those products back to this country.

If there was ever a tax policy change that would help save U.S. manufacturing jobs and should be part of a robust economic stimulus plan, this is it. I urge my colleagues to cosponsor this legislation. It is long past time for Congress to act. Today, I look forward to working with my colleagues on this important tax policy matter in the coming weeks.

By Ms. STABENOW:

S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children’s Health Insurance Program, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the E-Centives Act, which will help ensure safety-net providers serving our most vulnerable citizens can acquire Health Information Technology, HIT.

As I have spoken about many times, HIT promises to transform the delivery of health care in the United States, improving the overall efficiency and effectiveness of healthcare. Some specific quality improvements that result from HIT include reduction in errors that come from illegible handwriting; electronic systems that prompt prescriber of generic rather than brand-name drugs; reduction in duplicate diagnostic tests; physician reminders regarding appropriate preventive care; clinical decision support systems that encourage use of evidence-based medicine; identification of drug interactions and patient allergies; and assistance to physicians to manage patients with complex, chronic conditions.

While HIT holds great promise for transforming health care, unfortunately not all providers have the financial means to adopt and use this technology. In fact, the cost of acquiring technology is a major barrier to adopting this health care technology. Cost is particularly burdensome to small practices and safety-net providers that often operate with low financial margins.

Several organizations, including the Kaiser Commission on Medicaid and the Uninsured and the Healthcare Information and Management Systems Society, recognize the essential role that the Federal Government must play to assist providers in the Medicaid and Children’s Health Insurance Program, CHIP, to acquire HIT. But absent Federal funding, we could see a “digital divide” in health care.

The bill that I am introducing today will help accelerate investment in certified HIT by providers predominantly serving Medicaid and CHIP beneficiaries. The bill accomplishes this by providing authority to State Medicaid programs to reimburse providers at the expanded SCHIP E-Centives rates for the costs associated with the meaningful use of a certified electronic medical record. This bill also helps streamline the administration and enrollment process for the Medicaid program by removing the current regulation that governs the Medicaid Management Information System to include funding for electronic information and eligibility systems, patient registries for electronic screening, and office staff training on electronic information and eligibility systems.

I look forward to working with my colleagues to ensure that all health
Be 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 “Year-Round Jobs for Youth Stimulus Act of 2009.”

SEC. 2. SUMMER AND YEAR-ROUND YOUTH JOBS.
(a) FINDINGS.—Congress finds that—
(1) a $1,000,000,000 investment in summer and year-round employment for youth, through the program supported under this section, can create up to 1,000,000 jobs for economically disadvantaged youth and stimulate local economies;
(2) there is a rising and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—
(A) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;
(B) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and
(C) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007;
(3) research from Northwestern University has shown that every $1 a youth earns has an accelerator effect of $3 on the local economy;
(4) summer and year-round jobs for youth help supplement the income of families living in poverty; and
(5) summer and year-round jobs for youth provide valuable work experience for economically disadvantaged youth;
(b) AGE-RELATED.—As used in this Act, and in the provisions referred to in subsections (c) and (d) for purposes of this Act—
(1) a reference to a youth refers to an individual who is not younger than age 14 and not older than age 24, and meets any other requirements set forth in this Act; and
(2) a reference to a youth activity refers to an activity covered in section 128(a)(1)(A) of such Act (29 U.S.C. 2871(b)(2)(A)(i)(I) of such Act (29 U.S.C. 2871(b)(2)(A)(i)(I))), applied to all youth served through the activities.

SEC. 3. PURPOSES.
The purposes of this Act are—
(1) to increase knowledge of the importance of building a green economy;
(2) to increase energy efficiency and renewable energy usage;
(3) to strengthen the protection of the environment;
(4) to decrease carbon emissions; and
(5) to increase the number of well-trained youth workers who are gaining jobs in a range of green-collar industries and other viable industries.

SEC. 4. DEFINITIONS.
In this Act—
(1) GREEN-COLLAR INDUSTRIES.—In this section, the term “green-collar industries” means industries throughout the economy of the United States—
(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;
(B) that offer jobs with substantial pay and benefits; and
(C) communities benefit when youth are engaged productively, providing much-needed services that meet real community needs.

By Mrs. MURRAY (for herself and Ms. STABENOW):
S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Green Grants, and Green-Collar Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

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 placed in the RECORD, as follows:

S. 268. 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 “Green-Collar Youth Jobs, Education, and Training Stimulus Act”.

SEC. 2. FINDING.
Congress finds that there is a serious and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—
(1) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;
(2) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and
(3) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007.

SEC. 3. PURPOSES.
The purposes of this Act are—
(1) to increase knowledge of the importance of building a green economy;
(2) to increase energy efficiency and renewable energy usage;
(3) to strengthen the protection of the environment;
(4) to decrease carbon emissions; and
(5) to increase the number of well-trained youth workers who are gaining jobs in a range of green-collar industries and other viable industries.

SEC. 4. DEFINITIONS.
In this Act—
(1) GREEN-COLLAR INDUSTRIES.—In this section, the term “green-collar industries” means industries throughout the economy of the United States—
(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;
(B) that offer jobs with substantial pay and benefits; and
(C) communities benefit when youth are engaged productively, providing much-needed services that meet real community needs.

By Mrs. MURRAY (for herself and Ms. STABENOW):
S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Green Grants, and Green-Collar Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

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 placed in the RECORD, as follows:

S. 268. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.
(2) to enable the youth to acquire and expand skills related to green-collar industries; and
(3) to address Job Corps construction needs and expand the education and training described in subsection (d) of such section.

(b) Definitions.—In this section, the term "green-collar industry" means a construction, manufacturing, or service industry that—
(1) is engaged in providing learning, environmental, public safety, and social services, transportation, and other related services, (2) provides services in a construction or manufacturing business or service, (3) provides services in a construction or manufacturing business or service for the preservation or improvement of the environment, (4) provides services in a construction or manufacturing business or service in an area where the population is predominantly low-income, (5) participates in a program carried out under this section, and (6) provides services in a construction or manufacturing business or service that is considered to be an eligible project identified in section 169 of the Workforce Investment Act of 1998 (29 U.S.C. 2914). This definition shall apply to any specified industry or services referred to in this section.

SEC. 6. YOUTHBUILD GREEN GRANTS.

(a) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall make grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

(b) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

(3) Report.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

SEC. 7. GREEN-COLLAR YOUTH OPPORTUNITY GRANTS.

(a) Definition.—The term "community college" means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(b) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

(3) Report.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

(b) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

SEC. 8. GREEN-COLLAR YOUTH OPPORTUNITY GRANTS.

(a) Definition.—The term "community college" means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(b) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

(3) Report.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

(b) General Authority.—The Secretary is authorized to reserve not more than $300,000,000 of the funds appropriated under this Act for grants to eligible entities to carry out the YouthBuild Green Grant program under this section. The Secretary shall provide the Secretary with the information described in this subsection to carry out the YouthBuild Green Grant program, the indicators of performance achieved through that program, and the progress achieved through that program. The Secretary shall provide information on the performance of the program on the indicators of performance.

(3) Report.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).
(b) USE OF FUNDS.—An organization that receives a grant under this section may use the funds made available through the grant to provide programs of work experiences and training activities for individuals that include education and paid work experiences.

The work experiences shall involve retrofitting buildings (including facilities of small businesses) to achieve energy savings, or enhancing, creating, or preserving public space, within the communities served. In providing the programs, the organization may provide any of the activities described in subsection (b)(1) of that section 189.

(1) REPORT TO CONGRESS.—

(A) acquisition of a high school diploma or its generally recognized equivalent by individuals who completed their participation in the program and who participated in training described in subsection (b);

(B) entry of such individuals, who participated in work experiences described in subsection (b), into postsecondary education linked to the green economy, including registered apprenticeship programs in a green-collar industry; and

(C) entry of such individuals, who participated in work experiences described in subsection (b), into subsidized employment in a green-collar industry.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the program that—

(A) includes all funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program, including on the indicators of performance.

(3) REPORT.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions a report containing the assessment described in paragraph (2).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary for activities described in this Act $1,000,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW): S. 269. A bill to provide funding for unemployment, training, and rapid response services for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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 placed in the RECORD, as follows:

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 "Retooling America's Workers for a Green Economy Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In December 2008, unemployment figures showed a sharp deterioration in the economy. The unemployment rate rose from 6.8 percent in November, to 7.2 percent in December. Approximately 524,000 jobs were lost in December 2008, and 1,900,000 jobs were lost over just the last 4 months of 2008. These job losses were widespread across most major industries across the country.

(2) According to the Bureau of Labor Statistics, 11,100,000 people were unemployed in December 2008, an increase of 3,600,000 people since the recession started in December 2007. In December 2008, the number of workers who wanted to work full-time but worked part-time because their hours were cut or they could not find full-time jobs reached 8,000,000, up 3,400,000 since December 2007.

(3) Analysts say that the Nation has yet to see the worst of the economic fallout. The latest prediction from HIS Global Insight forecasts that unemployment will be estimated 8.6 percent by the end of 2009.

(4) The reality of climate change and a shared desire to protect the environment for future generations have the potential to spur economic growth in green-collar jobs across the industrial spectrum. In order to prepare workers for a greener economy, communities in both urban and rural settings, the Nation will need to make an investment in skills development for jobs in the current and future economy.

SEC. 3. PURPOSE.

The purpose of this Act is to provide aid to America's workers—including dislocated workers, those who are long-term unemployed individuals, and those who are low-skilled individuals, limited English proficient individuals, individuals with disabilities, or older workers, those who are not engaged in existing viable industries, and for new and emerging industries so that the workers described in this section can contribute to the long-term economic growth of the United States and its quality of life.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "adult", "chief elected official", "dislocated worker", "employment and training activities", "individual with a disability", "local area", "local board", "rapid response activities", "Secretary", "State", and "State board" have the meanings given in section 101 of the Workforce Investment Act of 1998.

(2) COMMUNITY COLLEGE.—The term "community college" means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965.

(3) GREEN-COLLAR INDUSTRIES.—The term "green-collar industries" means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including producing renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

SEC. 5. ACTIVITIES FOR DISLOCA TED WORKERS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve $2,000,000,000 of the funds appropriated under this Act for rapid response activities, for dislocated worker employment and training activities under chapter 3 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), or for employment and training assistance and additional assistance under section 176(a) of such Act (29 U.S.C. 2886).

(b) NATIONAL EMERGENCY GRANTS.—Of the reserved funds, the Secretary may use not more than $500,000,000 to award national emergency grants—

(1) to provide employment and training assistance to workers affected by major economic conditions, as determined by the Secretary, under section 178(a)(1) of such Act (29 U.S.C. 2818(a)(1)); and

(2) to provide additional assistance under section 176(a)(3) of such Act (29 U.S.C. 2886(a)(3)) to a State in a fiscal year that meets the requirements of that section (in a case in which the expended funds involved were expended for assistance described in paragraph (1)).

(c) STATE ACTIVITIES.—

(1) IN GENERAL.—After determining an allocation from the national emergency grants for rapid response activities, States and their agencies and entities designated by States or entities designated by entities designated by States, and outlying areas, consistent with the allotment formula under section 177(b)(2) of such Act (29 U.S.C. 2882(b)(2)), Each State or outlying area may use 25 percent of the State’s or outlying area’s allotment for rapid response activities, for nationwide closures or mass layoffs described in section 101(38) of such Act (42 U.S.C. 2801(38)) and efforts to avert future permanent closures or mass layoffs described in such section.

(2) USE OF DISLOCA TED WORKERS TO PROVIDE ASSISTANCE.—In providing the rapid response activities, States and entities designated by States and entities designated by States or outlying areas, working in conjunction with the chief elected officials, may enhance their services by employing dislocated workers to provide outreach, informal coaching, counseling or other support, and information to other dislocated workers or unemployed persons.

(d) LOCAL ACTIVITIES.—

(1) IN GENERAL.—For each State or outlying area shall use 75 percent of the State’s or outlying area’s allotment to make allocations directly to local boards, for local areas, in accordance with the formulas under section 178(b)(2)(B) of such Act (29 U.S.C. 2882(b)(2)(B)).

(2) PRIORITY.—A local board that receives an allocation under paragraph (1) shall use the funds made available through the allocation for dislocated worker employment and training activities. In providing the activities the local board shall give priority to providing the employment and training activities, including on-the-job training, in viable industries identified at the regional or local levels, including green-collar industries and other viable industries under this section into unsubsidized employment in a green-collar industry or other viable industry.

(3) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the appropriate committees of Congress information on the activities such as the number of individuals who participated in employment and training activities in green-collar industries and other viable industries with this section into unsubsidized employment in a green-collar industry or other viable industry.

(4) REPORT TO SECRETARY.—Each State, in submitting an annual report under section 136(c) of such Act (29 U.S.C. 2871(c)), shall include information on the activities such as the number of individuals who participated in employment and training activities in green-collar industries and other viable industries with this section into unsubsidized employment in a green-collar industry or other viable industry.

SEC. 6. ACTIVITIES FOR ADULTS WITH MULTIPLE BARRIERS TO EMPLOYMENT.

(a) PURPOSE.—The purpose of this section is to fully utilize the Nation’s human capital by—

(1) helping adults with multiple barriers to employment acquire the skills to obtain jobs in viable industries, by providing intensive employment services and support and assistance for employment and training activities; and

(2) in particular, by providing employment and training activities in green-collar industries or other viable industries under this section into unsubsidized employment in a green-collar industry or other viable industry.
adult who is long-term unemployed, a low-skilled individual, limited English proficiency, an individual with a disability, or an older worker, with multiple barriers to finding a job in a viable industry.

(c) GENERAL AUTHORITY.—The Secretary is authorized to reserve $800,000,000 of the funds appropriated under this Act to carry out this section. The Secretary shall use the reserved funds to make allotments to States and outlying areas, consistent with the allotment formula prescribed in subsection (b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(b)(1)) to provide employment and training activities to adults with multiple barriers to employment.

(d) STATE ACTIVITIES.—Each State or outlying area may use 10 percent of the State’s or outlying area’s allotment to assist local boards in providing employment and training activities to adults with multiple barriers to employment.

(e) LOCAL ACTIVITIES.—

(1) IN GENERAL.—Each State or outlying area shall use 90 percent of the State’s or outlying area’s allotment to make grants, on a competitive basis, to local boards for local employment and training activities to adults with multiple barriers to employment.

(2) PRIORITY.—In making the grants, the chief executive officer of the State or outlying area, in consultation with the State board involved, shall give priority to those local boards that—

(A) focus their local areas to create regions that reflect natural labor markets or economic development districts;

(B) reflect regional strategic partnerships described in paragraph (3) among local boards, industry (including business and labor), schools (including community colleges), and other community organizations to provide coherently designed programs of employment and training activities;

(C) make special efforts to conduct outreach and provide services to adults with multiple barriers to employment who need to advance their careers or seek second careers due to the economic downturn;

(D) align adult education, career and technical education investment, economic development, and related systems and resources to provide career pathway strategies for helping low-skilled individuals navigate through the continuum of needed education and support, to ultimately achieve a postsecondary education credential or an industry-recognized certificate and a job leading to educational attainment and employed;

(E) provide an assurance that the local board will use at least 90 percent of the grant funds for intensive services described in section 134(d)(3)(C) in training services described in section 134(d)(4)(D) of such Act (29 U.S.C. 2864(d)(3)(C), 2864(d)(4)(D)), without regard to the eligibility requirements of section 134(d)(3)(C) of such Act (29 U.S.C. 2864(d)(3)(C)).

(3) STRATEGIC PARTNERSHIP.—

(A) IN GENERAL.—For purposes of this section, a strategic partnership shall, in particular, at least 1 representative of a local board serving a community, and of each of the 8 types of organizations described in subparagraph (B).

(B) TYPES OF ORGANIZATIONS.—The types of organizations referred to in subparagraph (A) are businesses, unions, labor-management partnerships, schools (including community colleges), public agencies, nonprofit community organizations, economic development entities, and philanthropic organizations, that are aligned in providing on-the-job employment and training activities, including work opportunities and support, to adults with multiple barriers to employment.

(b) IN GENERAL.—Each State, in submitting an annual report under section 136(d) of such Act (29 U.S.C. 2871(d)), shall include information—

(A) on acquisition of a recognized postsecondary education credential or an industry-recognized certificate by adults with multiple barriers who participated in employment and training activities under this section;

(B) on entry of such adults, who participated in such activities, into positions in unsubsidized employment in viable industries; and

(C) for adults referred to in subparagraph (B), on average wages in such positions.

(2) REFINEMENTS.—In establishing standards for the reports, the Secretary shall refine indicators to eliminate any unintended consequences which multiple barriers to employment, or such adults who may need and seek less than full-time employment also experience.

SEC. 7. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

There is authorized to be appropriated to the Secretary of Labor for activities described in this Act, $3,425,000,000, which shall be available for the period of January 1, 2009 through December 31, 2011.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 270. A bill to provide for programs that reduce the need for abortion, help pregnant women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about a member of the American family for whom we all care, but for whom we don’t do nearly enough to support: pregnant women.

I remember the times my wife Terese learned she was pregnant, and even though I can never experience it directly, I know through her and my sisters that there is one indelible and unforgettable moment when a woman finds out she is pregnant. For many women, the choice does not come to mind. It is a term that is widely used in this debate, yet many women do not believe they have a genuine choice. That is why I am introducing the Pregnant Women Support Act. With this bill, it is my fervent hope that a new dialogue—a common ground—will emerge on how we can reduce abortions by offering pregnant women real choices.

This bill will: assist pregnant and parenting teens to finish high school and prepare for college or vocational training; help pregnant college students stay in school, offering them counseling as well as assistance with continuing their education; parenting support and classes, and child care assistance.
It will provide counseling and shelter to pregnant women in abusive relationships who may be fearful of continuing a pregnancy in a crisis situation; establish a national toll-free number and public awareness campaign to offer women support and knowledge about options and how to access resources available to them when they face an unplanned pregnancy; give women free sonogram examinations by providing grants for the purchase of ultrasound equipment; provide parents with information about genetic disability testing, including support for parents who receive a diagnosis of Down Syndrome; ensure that pregnant women receive prenatal and postnatal care by eliminating pregnancy as a pre-existing condition in the individual healthcare market and also eliminating waiting periods for women with prior coverage; increase funding for nurse home visitation for pregnant and first-time mothers. One example of this is the Nurse-Family Partnership program and national model in which nurses mentor young first-time and primarily low-income mothers, establishing a supportive relationship with both mother and child.

Stated simply, this program has been shown to be both cost effective and hugely successful in terms of life outcomes for both mothers and children; increase funding for the Women, Infants and Children Program, providing nutrition assessment, counseling and education, obesity prevention, breastfeeding support, prenatal and pediatric health care referrals, immunization screening and referral, and a host of other services for mothers and children; expand nutritional support for low-income parents by increasing the income eligibility level for food stamps; increase funding for the Child Care and Development Block Grant, the primary source of federal funding for child care assistance for low-income parents.

I introduce this bill with the deepest conviction that we can find common ground. I believe that we can transform this debate by focusing upon the issues that will unite us in providing a better future for our children. I believe there are few things more terrifying than the prospect of supporting another human being when you have no support of your own.

Reducing the number of abortions should not be a partisan issue. It should not pit Democrats against Republicans. I seek common ground. I ask my colleagues on both sides of the aisle to join me in seeking real solutions that will unite us in providing life with dignity, before and after birth, for pregnant women, mothers and children. Surely we must all agree that no woman should ever have to face the crisis of an unplanned pregnancy alone.

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

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

S. 270

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Pregnant Women Support Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEW PARENTS

Sec. 101. Grants for increasing public awareness of resources available to assist pregnant women in carrying their pregnancies to term and to assist new parents.

TITLE II—ASSISTING WOMEN'S KNOWLEDGE ABOUT THEIR PREGNANCY

Sec. 201. Grants to health centers for purchase of ultrasound equipment.
to have an abortion; 73 percent of women having abortions cited this reason as a contributing factor.

(5) This Act is an initiative to gather more comprehensive information about how and why women choose or decline abortion options when they seek an abortion.

(6) The initiative will work to support women facing unplanned pregnancies, new parents, and their children by providing comprehensive measures for health care needs, supportive services and helpful prenatal information and postnatal services.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) the term ‘Secretary’ means the Secretary of Health and Human Services.

(2) the term ‘State’ includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEWBORNs

SEC. 101. GRANTS FOR INCREASING PUBLIC AWARENESS OF RESOURCES AVAILABLE TO ASSIST PREGNANT WOMEN IN MAKING DECISIONS ABOUT THEIR PREGNANCY, TO TERMINATE PREGNANCY OR TO ASSIST NEW PARENTS.

(a) Grants.—The Secretary may make grants to States to increase public awareness of resources available to pregnant women to carry their pregnancy to term and to new parents, or to assist new parents.

(b) Use of Funds.—The Secretary may make a grant to a State under this section only if the State agrees to use the grant for the following purposes:

(1) Identification of resources available to assist pregnant women to carry their pregnancy to term or to assist new parents, or both;

(2) Conducting an advertising campaign to increase public awareness of such resources;

(3) Establishing and maintaining a toll-free telephone number to direct people to:

(A) organizations that provide support services for pregnant women to carry their pregnancy to term;

(B) adoption centers; and

(C) organizations that provide support services to new parents;

(d) Service Areas.—The Secretary shall require each State receiving a grant under this section from using the grant to provide the woman upon whom the ultrasound equipment is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(d) Annual Report to Secretary.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(c) Application for Grant.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(d) Annual Report to Secretary.—A grant may be made under subsection (a) only if the application agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the preceding conditions established in subsection (b).

(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

TITLE II—INFORMATION AND SERVICES TO NEW PARENTS

SEC. 210. GRANTS TO HEALTH CENTERS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

Part B of title III of the Public Health Service Act (42 U.S.C. 233 et seq.) is amended by inserting after section 317L the following:

"SEC. 317L-1. GRANTS FOR THE PURCHASE OR UPGRADE OF ULTRASOUND EQUIPMENT.

'(a) In General.—The Secretary may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to identify and provide prenatal counseling or diagnosis of a licensed medical physician, ultrasound examinations to pregnant women consenting to such services.

'(b) Eligibility Requirements.—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

'(1) The entity is a health center eligible to receive a grant under section 330 (relating to community health centers, migrant health centers, homeless health centers, and public-housing centers).

'(2) The organizations and adoption centers identified pursuant to section from using the grant to direct people to:

(A) organizations that provide support services for pregnant women to carry their pregnancy to term or to assist new parents, or both;

(B) adoption centers; and

(c) Authorization of Appropriations.—The Secretary shall make such funds available as may be necessary to carry out the activities of this section.

TITLE III—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN

SEC. 301. INDIVIDUAL HEALTH INSURANCE COVERAGE FOR PREGNANT WOMEN.

(a) Limitation on Imposition of Pre-Existing Condition Exclusions and Waiting Periods for Women With Prior Coverage.—Title XXVII of the Public Health Service Act (42 U.S.C. 1397 et seq.) is amended by inserting after section 2753 the following new section:

"SEC. 2754. PROVIDING INDIVIDUAL HEALTH INSURANCE COVERAGE FOR NEWBORNs.

'(a) Notification.—In the case of a pregnant woman who is covered under a group health plan, or under group health insurance coverage, for other than family coverage, the plan or issuer offering the coverage shall provide notice to the woman during the 5th month of pregnancy, during the 8th month of pregnancy, and within 2 weeks after delivery, of the woman’s option to provide continuing coverage of the newborn child under the group health plan or health insurance coverage under subsection (b).

'(b) Option of Continued Coverage for Newborns.—In the case of a woman described in subsection (a) who has a newborn child under a group health plan or under group health insurance coverage, the plan or issuer offering the coverage shall provide the woman with the option of electing coverage of the newborn child at least through the end of the 30-day period beginning on the date of birth of the child and no waiting period or preexisting condition exclusion shall apply with respect to the coverage of such a newborn child under such coverage.

'(c) Continuation of Coverage for Newborns.—Such title is further amended by inserting after section 2754, as added by section 301, the following new section:

"SEC. 2755. CONTINUATION OF COVERAGE FOR NEWBORNs.

The provisions of section 2708 shall apply with respect to individual health insurance coverage and the issuer of such coverage in the same manner as they apply to group health insurance coverage and the issuer of such coverage.

'(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to women who become pregnant on or after such date and children who are born of such women.

TITLE IV—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN

SEC. 401. TREATMENT OF UNBORN CHILDREN.

(a) Codification of Current Regulations.—Section 2110(c)(1) (42 U.S.C. 1397(c)(1)) is amended by striking the period at the end and includes, at the option of a State, an unborn child.

(b) Clarifications Regarding Coverage of Mothers.—Section 2103 (42 U.S.C. 1397g(c)) is amended by adding at the end the following new subsection:

'(c) Clarifications Regarding Authority to Provide Postpartum Services and Maternal Health Care Services.—Title XXVII of the Public Health Service Act provides child health assistance to an unborn child under the option described in section 2110(c)(1) may:

'(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the
TITLE VI—SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS

SEC. 601. SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds as follows:

(A) Pregnant women who choose to undergo prenatal genetic testing should have access to timely, non-directive counseling about the conditions being tested for and the accuracy of such tests, from health care professionals qualified to provide such information and consent processes.

(B) A recent, peer-reviewed study and two reports from the Centers for Disease Control and Prevention on prenatal tests found a deficiency in the data needed to understand the epidemiology of prenatally diagnosed conditions, to monitor trends accurately, and to increase the effectiveness of health intervention.

(2) PURPOSES.—It is the purpose of this section, after the diagnosis of an unborn child with Down syndrome or another prenatally diagnosed condition, to—

(A) increase patient referrals to providers of key support services to assist parents in the care, or placement for adoption, of a child with Down syndrome, or other prenatally diagnosed conditions, as well as to provide up-to-date, science-based information about life-expectancy and development potential for a child born with Down syndrome or other prenatally diagnosed condition;

(B) provide networks of support services described in subparagraph (A) through a Centers for Disease Control and Prevention patient and provider outreach program;

(C) increase, by incorporating information directly revealed by prenatal testing into existing State-based surveillance programs for birth defects and prenatally diagnosed conditions; and

D) ensure that patients receive up-to-date, scientific information about the accuracy of the test.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399U. SUPPORT FOR PATIENTS RECEIVING A POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.

(a) DEFINITIONS.—In this section:

(1) DOWN SYNDROME.—The term ‘Down syndrome’ refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

(2) HEALTH CARE PROVIDER.—The term ‘health care provider’ means any person or entity required by State or Federal law to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

(3) PRENATALLY DIAGNOSED CONDITION.—The term ‘prenatally diagnosed condition’ means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

(4) PRENATAL TEST.—The term ‘prenatal test’ means diagnostic or screening tests performed on a pregnant woman to detect prenatal care that are administered by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

(5) SUPPORT.—The terms ‘support’ and ‘supportive services’ mean services to assist parents to care for, and prepare for care for, a child with Down Syndrome or another prenatally diagnosed condition, and to facilitate the adoption of such children as appropriate.

(b) INFORMATION AND SUPPORT SERVICES.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts, or cooperative agreements, for—

(1) collect, synthesize, and disseminate current scientific information relating to Down syndrome or other prenatally diagnosed conditions, and to facilitate the adoption of such children as appropriate;

(2) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions, including—

(A) the establishment of a resource telephone hotline and Internet Website accessible to patients receiving a positive test result;

(B) the establishment of national and local peer-support programs; and

(C) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally diagnosed conditions, and who is so licensed, registered, or certified to—

(1) collect, synthesize, and disseminate current scientific information relating to Down syndrome or other prenatally diagnosed conditions, and to facilitate the adoption of such children as appropriate; and

(4) establish awareness and education programs for health care providers who provide
the results of prenatal tests for Down syndrome or other prenatally diagnosed conditions, to patients, consistent with the purpose described in section 601(a)(2)(A) of the Pregnancy and Infant Care Act.

(c) DATA COLLECTION.—

(1) PROVISION OF ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide assistance to State and local health departments to integrate the results of prenatal testing into State-based vital statistics and birth defects surveillance programs.

(2) ACTIVITIES.—The Secretary shall ensure that activities carried out under paragraph (1) are sufficient to extract population-level data relating to national rates and results of prenatal testing.

(d) PROVISION OF INFORMATION BY PROVIDERS.—Upon receipt of a positive test result from a prenatal test for Down syndrome or other prenatally diagnosed conditions performed on a patient, the health care provider involved (or his or her designee) shall provide the patient with the following:

(1) Up-to-date, scientific, written information concerning the life expectancy, clinical course, and intellectual and functional development and treatment options for an unborn child diagnosed with or born with Down syndrome or other prenatally diagnosed conditions.

(2) Referral to supportive services providers, including information hotlines specific to Down syndrome or other prenatally diagnosed conditions, resource centers or clearingshouses, and other education and support programs described in subsection (b).

(e) PRIVACY.—

(1) IN GENERAL.—Notwithstanding subsections (c) and (d), nothing in this section shall be construed to permit or require the collection, maintenance, or transmission, without the health care provider obtaining the prior, written consent of the patient, of—

(A) health information or data that identify a patient, or with respect to which there is a reasonable basis to believe the information could be used to identify the patient (including a patient’s name, address, healthcare provider, or hospital); and

(B) data that are not related to the epidemiology of the condition being tested for.

(2) GUIDANCE.—Not later than 180 days after enactment of this section, the Secretary shall establish guidelines concerning the implementation of paragraph (1) and subsection (d).

(f) REPORTS.—

(1) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Secretary shall submit a report to Congress concerning the implementation of the guidelines described in subsection (e)(2).

(2) GAO REPORT.—Not later than 1 year after enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in paragraph (2) $5,000,000 for each of the fiscal years 2010 through 2014.

TITLE VII—SUPPORT FOR PREGNANT AND PARENTING COLLEGE STUDENTS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) pregnant college students should not have to make a choice between keeping their baby and staying in school;

(2) An eligible institution of higher education that will help interested, eligible institutions of higher education establish pregnancy and parenting student services offices that will operate independent of Federal funding no later than 5 years after the date of the enactment of this title; and

(3) amounts appropriated to carry out other Federal programs should be reduced to offset the costs of this title.

SEC. 702. DEFINITIONS.

In this subchapter—

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term ‘‘eligible institution of higher education’’ means an institution of higher education that—

(A) was described in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this title, a pregnant and parenting student services office described in section 706.

(B) Parent; Parenting.—The terms ‘‘parent’’ and ‘‘parenting’’ refer to a parent or legal guardian of a minor.

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Education.

SEC. 703. PROGRAM AND PARENTING STUDENT SERVICES PILOT PROGRAM.

From amounts appropriated under section 708 for a fiscal year, the Secretary shall establish a pilot program to award grants to eligible institutions of higher education to enable the eligible institutions to establish (or expand) a program for a grant under this subsection (a) to provide access to such programs and activities to a pregnant or parenting student who desires to receive a grant under this title.

SEC. 704. APPLICATION; NUMBER OF GRANTS.

(a) APPLICATION.—An eligible institution of higher education that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) REQUESTS FOR ADDITIONAL INFORMATION.—The Secretary may require an eligible institution to submit additional information under subsection (a) to provide additional information if the Secretary determines such information is necessary to process the application.

(c) NUMBER OF GRANTS.—Subject to the availability of appropriations under section 708, the Secretary shall make grants under this title to no more than 200 eligible institutions.

SEC. 705. MATCHING REQUIREMENT.

An eligible institution shall receive a grant under this title that contributes to the conduct of the pregnant or parenting student services office or programs described in paragraph (2), and establishes programs with qualified providers to meet such needs.

SEC. 706. USE OF FUNDS.

(a) IN GENERAL.—An eligible institution that receives a grant under this title shall use grant funds to establish and operate a pregnant and parenting student services office, located on the campus of the eligible institution, that provides the following programs and activities:

(1) Hosts an initial pregnancy and parenting resource forum—

(A) to assess pregnancy and parenting resources, located on the campus or within the local community, that are available to meet the needs described in paragraph (2); and

(B) to set goals for—

(i) improving such resources for pregnant, parenting, and prospective parenting students; and

(ii) improving access to such resources.

(2) Annually assesses the performance of the eligible institution and the office in meeting the material needs of enrolled in the eligible institution who are pregnant or are parents:

(A) The inclusion of maternity coverage and the availability of riders for additional family members in student health care.

(B) Family housing.

(C) Child care.

(D) Flexible or alternative academic scheduling, such as telecommuting programs.

(E) Education to improve parenting skills for parents and their children.

(F) Maternity and baby clothing, baby food (including formula), baby furniture, and other items to assist parents and prospective parents in meeting the material needs of their children.

(G) Post-partum counseling and support groups.

(3) Identifies public and private service providers, located on the campus of the eligible institution or within the local community, that are qualified to meet the needs described in paragraph (2), and establishes programs with qualified providers to meet such needs.

(4) Assists pregnant and parenting students and their spouses in locating and obtaining services that meet the needs described in paragraph (2).

(5) If appropriate, provides referrals for prenatal care and delivery, infant or foster care, or adoption, to a student who requests assistance. An institution may make such referrals only to service providers that primarily serve the following types of individuals:

(A) Parents

(B) Prospective parents awaiting adoption.

(C) Women who are pregnant and plan on parenting or placing the child for adoption.

(D) Parenting or prospective parenting couples who are married or who plan on marrying in order to provide a supportive environment for each other and their child.

(E) Expanded Services.—In carrying out the programs and activities described in subsection (a), an eligible institution of higher education receiving a grant under this title may choose to provide access to such programs and activities to a pregnant or parenting employee of the eligible institution, and the employee’s spouse.

SEC. 707. REPORTING.

(a) ANNUAL REPORT BY INSTITUTIONS.—

(1) IN GENERAL.—For each fiscal year that an eligible institution of higher education receives a grant under this title, the eligible institution shall prepare and submit to the Secretary—

(A) an annual report determined by the Secretary, a report that—

(i) itemizes the pregnant and parenting student services office’s expenditures for the fiscal year;

(ii) contains a review and evaluation of the performance of the office in fulfilling the requirements of this title, using the specific performance criteria or standards established under paragraph (2)(A); and

(C) describes the achievement of the office in meeting the needs listed in section 706(b)(2) by the eligible institution, and the frequency of use of the office by such students.

(2) PERFORMANCE CRITERIA.—Not later than 180 days before the date the annual report described in paragraph (1) is submitted, the Secretary—

(A) shall identify the specific performance criteria or standards that shall be used to prepare the report; and

(B) may establish the form or format of the report.

(b) ADDITIONAL INFORMATION.—After reviewing an annual report of an eligible institution of higher education, the Secretary may require that the eligible institution provide such additional information if the Secretary determines that such additional information is necessary to evaluate the pilot program.
(b) Report by Secretary.—The Secretary shall annually prepare and submit a report on the findings of the pilot program under this title, including the number of eligible institutions of higher education that were awarded grants and the number of students served by each pregnant and parenting student services office receiving funds under this title, the impact of the interventions that were awarded grants and the number of students served by each pregnant and parenting student services office receiving funds under this title.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title more than $10,000,000 for each of the fiscal years 2010 through 2014.

TITLE VIII—SUPPORT FOR PREGNANT AND PARENTING TEENS

SEC. 801. GENERAL.

The Secretary shall make grants to States to allow early childhood education programs, including Head Start, to work with pregnant or parenting teens to complete high school and prepare for college or for vocational education.

TITLE IX—IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

SEC. 901. FINDINGS.

The Congress finds as follows:

(1) Pregnant women are more likely to be victims of homicide than to die of any other causes, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(2) A 2001 study published by the Journal of the American Medical Association found that homicide is the number one cause of death among pregnant women.

(3) Research suggests that injury-related deaths, including homicide and suicide, account for nearly one-third of maternal mortality cases, while medical reasons make up the rest. Homicide is the leading cause of death overall for pregnant women, followed by cancer, acute and chronic respiratory conditions, motor vehicle collisions and drug overdose, peripartum and postpartum cardio-myopathy, and suicide.

SEC. 902. PROGRAM TO SUPPORT PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE.

(a) In General.—For fiscal year 2010 and each subsequent fiscal year, the Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, to be used for any of the following purposes:

(1) To assist States in providing intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, dating violence, or stalking.

(2) To provide for technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:

(A) State, tribal, local, and regional government agencies.

(B) Professionals working in legal, social service, and health care settings.

(C) Nonprofit organizations.

(D) Faith-based organizations.

(b) State Eligibility.—To be eligible for a grant under this section, a State shall—

(1) submit to the Attorney General an application in such form and manner, and containing such information, as specified by the Attorney General.

(2) for a grant made for a fiscal year beginning on or after the date that is one year after the date of the enactment of this title, satisfy the requirement under section 903(b) respecting female homicide victim determinations and death certificates.

(c) TECHNICAL ASSISTANCE AND TRAINING DESCRIBED.—For purposes of subsection (a)(2), technical assistance and training is—

(1) the identification of eligible pregnant women or children who are victims of intimate partner violence, dating violence, or stalking;

(2) the assessment of the immediate and short-term safety of such a pregnant woman, child, or children, as appropriate, and the determination of whether violence or stalking on the part of the intimate partner or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, dating violence, or stalking, as appropriate;

(3) the maintenance of comprehensive medical or forensic records that document all of the following:

(A) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services;

(B) the assessment of the immediate and short-term safety of such a pregnant woman, child, or children;

(C) the determination made under paragraph (1), the intervention services provided, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(4) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(4) DEFINITION.—For purposes of this title:

(a) ACCOMPANIMENT.—The term "accompanyment" means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and attorney and witness fees associated therewith.

(b) ELIGIBLE PREGNANT WOMAN.—The term "eligible pregnant woman" means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, dating violence, or stalking or who was pregnant during the one-year period before such date.

(c) INTERVENTION SERVICES.—The term "intervention services" means, with respect to domestic violence, dating violence, or stalking, 24-hour telephone hotline services for police protection and referral to shelters.

(d) STATE.—The term "State" includes the District of Columbia, any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

(e) SUPPORTIVE SOCIAL SERVICES.—The term "supportive social services" means transitional and ongoing, vocational, counseling, and individual and group counseling aimed at preventing domestic violence, dating violence, or stalking.

(f) VIOLENT ACTUALITY.—The term "violence actuality" means actual violence and the risk or threat of violence.

SEC. 1001. LIFE SUPPORT CENTERS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program to fund comprehensive and supportive services for pregnant women, mothers, and children. Such services may include—

(1) child care for infants and toddlers to allow mothers to find jobs and finish their education;

(2) relocation assistance to establish good and stable homes;

(3) educational support, such as prepara-
tion for pregnant and parenting mothers for the equivalent of a secondary school diploma;

(4) counseling, including adoption counsel-
ing;

(5) parenting classes;

(6) business skills training;

(7) emergency aid in times of crisis;

(8) nutrition education and food assistance;

(9) outreach to seniors, many of whom vol-
unteer to help with the children or who re-
cieve advice on helping raise their own grandchildren.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section no more than $10,000,000 for each of the fiscal years 2010 through 2014.

TITLE XI—PROVIDING SUPPORT TO NEW PARENTS

SEC. 1101. INCREASED SUPPORT FOR WIC PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) served approximately 8,100,000 women, infants, and children per month in fiscal year 2006.

(2) Half of all infants in the United States and in young children under age 5 get crucial health and nutrition benefits from the WIC Program.

(3) It is estimated that every dollar spent on WIC results in between $1.92 and $4.21 in Medicaid savings for newborns and their mothers.

(4) The WIC program has been proven to increase the number of women receiving pre-natal care, reduce the incidence of low birth weight and fetal mortality, reduce anemia, and enhance the nutritional quality of the diet of mothers and children.

(5) The WIC program's essential, effective nutrition services include nutrition assessment, counseling and education, obesity prevention, breastfeeding support and promotion, prenatal and pediatric health care referrals and follow-up, spousal and child abuse referral, drug and alcohol abuse referral, immunization screening, assessment and referrals, and a host of other services for mothers and children.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary of Agriculture shall annually prepare and submit a report to the Congress describing each such program.
U.S.C. 1786), there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014, of which—

(1) there is authorized to be appropriated $15,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for breast-feeding peer counselors; and

(2) there is authorized to be appropriated $14,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for infrastructure needs.

SEC. 1102. NUTRITIONAL SUPPORT FOR LOW-INCOME PARENTS.

(a) Authorization of Appropriations.—Section 658B(d)(6) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857o(d)) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter $3,500,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014."

(b) Conforming Amendment.—Section 658E(c)(9)(D) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857o(c)(9)(D)) is amended by striking "1997 through 2002" and inserting "2010 through 2014".

SEC. 1104. TEENAGE OR FIRST-TIME MOTHERS; NURSES FOR EDUCATION ON HEALTH NEEDS OF INFANTS.

(a) In General.—The Secretary may make grants to local health departments to provide to eligible mothers, without charge, education on the health needs of their infants through visits to their homes by registered nurses.

(b) Eligible Mother.—

(1) In general.—For purposes of subsection (a), a woman is an eligible mother if, subject to paragraph (2), the woman—

(A) is the mother of an infant who is not more than 24 months of age; and

(B) is pregnant or was under the age of 20 at the time of birth; or

(ii) the infant referred to in subparagraph (A) is the first child of the woman.

(2) Requirements for Certain Mothers.—In the case of a woman described in paragraph (1)(B)(ii) who is 20 years of age or older, the woman is an eligible mother for purposes of subsection (a) only if the woman meets such standards in addition to the applicable standards under paragraph (1) as the local health department involved determines to be appropriate.

(c) Certain Requirements.—A grant may be made under subsection (a) only if the applicant involved agrees as follows:

(1) Requirements.—A grant may be made under subsection (a) only if the applicant involved agrees that the following services will be provided by registered nurses in home visits under subsection (a):

(A) Information on child health and development, including suggestions for child-developmental activities that are enjoyable for parents and children.

(B) Advice on parenting, including information on how to develop a strong parent-child relationship.

(C) Information on resources about parenting, including identifying books and videos that are appropriate.

(D) Information on upcoming parenting workshops in the local region.

(E) Information on programs that facilitate parent-to-parent support.

(F) In the case of an eligible mother who is a student, information on resources that may assist the mother in completing the educational courses involved.

(2) Additional Services.—A grant under subsection (a) may be expended to provide services during home visits under such subsection in addition to the services specified in paragraph (1).

(b) Authorization of Appropriations.—For the purpose of carrying out this section there are authorized to be appropriated $3,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

TITLE XII—COLLECTING AND REPORTING ABORTION DATA

SEC. 1201. GRANTS FOR COLLECTION AND REPORTING OF ABORTION DATA.

(a) Grants.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States to collect and report abortion surveillance data.

(b) Reporting Requirement.—

(1) In general.—The Secretary may make a grant under subsection (a) to a State if the State agrees to submit a report in each of fiscal years 2011 and 2013 on the State’s abortion surveillance data.

(2) Contents.—Each report submitted by a State under this subsection shall, with respect to the preceding 2 fiscal years, include—

(A) the number and characteristics of women obtaining abortions in the State; and

(B) the characteristics of these abortions, including the approximate gestational age of the unborn child, the abortion method, and any known physical or psychological complications.

(c) Personal Information.—A report submitted by a State under this subsection shall not contain the name of any woman obtaining or seeking to obtain an abortion, any common identifier (such as a social security number), or any other identifier (including statistical information) that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

(d) Confidentiality.—The Secretary shall maintain the confidentiality of any individually identifiable information as reported to the Secretary under this section.

(e) Report to Congress.—

(1) In general.—Not later than the end of fiscal year 2013, the Secretary shall submit to Congress a report on the abortion surveillance data reported to the Secretary under this section.

(2) Personal Information.—A report submitted by the Secretary to the Congress under this subsection shall not contain any name or other identifier described in subsection (b)(3).

(f) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.
in the law means that all futures contracts must trade on a designated contract market or a derivatives transaction execution facility. The requirement for exchange trading would thus include over-the-counter trading of financial derivatives just as it does for futures contracts on physical commodities such as corn, soybeans and petroleum.

We have seen large negative consequences from the lack of price transparency and the failure to properly measure and manage the risk in trading over-the-counter derivatives. The problems have not been seen in the trading of financial futures on regulated futures markets, subject to the oversight of the Commodity Futures Trading Commission.

This legislation I am introducing will establish the standard that all futures contracts trade on regulated exchanges. The regulated exchanges will work with the Commodity Futures Trading Commission to ensure that trading on the exchange is fair and equitable and not subject to abuses. The Commodity Futures Trading Commission has the experience and expertise to oversee these matters.

Bringing necessary openness, transparency, soundness, and integrity to trading in contracts which are now unregulated over-the-counter swaps and related derivatives is a key element in restoring trust and confidence in the financial system so that we can rebuild our economy on a firm foundation.

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. 272

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 "Derivatives Trading Integrity Act of 2009".

SEC. 2. REGULATION OF CERTAIN AGREEMENTS, CONTRACTS, AND TRANSACTIONS.
(a) Definitions.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—
(1) by striking paragraphs (10), (11), (13), (14), and (33); and
(2) by redesignating—
(A) paragraph (12) as paragraph (10);
(B) paragraphs (15) through (32) as paragraphs (11) through (30), respectively; and
(C) paragraph (34) as paragraph (29).

(b) Exclusions.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—
(1) by striking subsections (d), (e), (g), (h), and (i); and
(2) by redesignating subsection (f) as subsection (d).
(c) restriction of futures trading to contract markets or derivatives transaction execution facilities.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—
(1) in subsection (a), in the matter preceding paragraph (1), by striking "Unless exempted under section 4(h), any person purchasing in subsection (c), it shall" and inserting "It shall"; and
(2) by striking subsection (c); and
(d) exempt boards of trade.—Section 5d of the Commodity Exchange Act (7 U.S.C. 7a–3) is repealed.

SEC. 3. CONFORMING AMENDMENTS.
(a) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 2(a)(20) of this Act) is amended—
(1) in paragraph (10)(A)(x), by striking "other than an electronic trading facility with respect to a significant price discovery contract";
and
(2) in paragraph (25)—
(A) in subparagraph (C), by inserting "and" after "may"; and
(B) by inserting a period at the end; and
(c) by striking subsection (b) and inserting, "subsection (c) or (d) of section 2".
(b) Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking "5d;"; and
(B) in subparagraph (A), by striking "in an excluded commodity"; and
(2) in paragraph (2) by redesignating—
(A) in item (cc), by striking, "section 1a(20) of this Act" and inserting, "section 1a(16)"; and
(B) in item (dd), by striking, "section 1a(2)(A)(ii) of this Act" and inserting, "section 1a(30)(A)".
(c) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—
(1) in subsection (a)—
(A) in the first sentence, by striking "or on electronic trading facilities with respect to a significant price discovery contract"; and
(B) in the second sentence, by striking "or electronic trading facility with respect to a significant price discovery contract,";
and
(2) in subsection (b), in the matter preceding the proviso, by striking "or electronic trading facility with respect to a significant price discovery contract,";
and
(3) in subsection (c)—
(A) in the first sentence—
(i) in the matter preceding the proviso—
(I) by striking "or any electronic trading facility;"
(II) by striking "or on an electronic trading facility;" and
(III) by striking "or electronic trading facility;" and
(ii) by striking the proviso, by striking "or electronic trading facility;" and
(B) in the second sentence, in the matter preceding the proviso, by striking "or electronic trading facility with respect to a significant price discovery contract;".
(d) Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by striking "and an electronic trading facility", and an electronic trading facility contracted or executed on an electronic trading facility or;".
(e) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended—
(1) in the matter preceding paragraph (1), by striking "or any significant price discovery contract, or executed on an electronic trading facility;" and
(2) in the matter following paragraph (2), by striking "or electronic trading facility".
(f) Section 4j of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended—
(1) in subsection (b)(2)—
(A) in subparagraph (D), by striking "section 2(h)(1)(C)(ii), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000"; and
(B) in subparagraph (E), by striking "section 2(h)(1) or 4(c) of this Act" and inserting "subsection (a)(1)(C)(i), (c), or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000;".
(g) Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–3 is amended—
(1) by striking "section 2a(1)(C)(ii), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act" and inserting "subsection (a)(1)(C)(i), (c), or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000; Public Law 106–554; 114 Stat. 2734A457;" and
(2) in subsection (b), by striking "section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act", and inserting "or derivatives transaction execution facility, or electronic trading facility, or exempt under section 2(h) or 4(c) of this Act".
(h) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2 is amended—
(1) in subsection (a)(1), by striking "and section 2(b)(7) with respect to significant price discovery contracts;".
(2) in subsection (b)—
(A) in paragraph (1), by striking "derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract" and inserting "derivatives transaction execution facility, or electronic trading facility,";
and
(B) in paragraphs (2) and (3), by striking "derivatives transaction execution facility, or electronic trading facility" each place it appears and inserting "derivatives transaction execution facility;".

Section 6 of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking "or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h) or 4(c) of this Act", and inserting "or exempt under section 2(h) or 4(c) of this Act".

(j) Section 5f(b)(1) of the Commodity Exchange Act (7 U.S.C. 7b–1(b)(1)) is amended in the matter preceding paragraph (A), by striking "or 2(b)(7) with respect to a significant price discovery contract or executed on an electronic trading facility,";

(k) Section 6 of the Commodity Exchange Act (7 U.S.C. 8(b) is amended—
(1) in the first sentence—
(A) by striking "or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract;";
and
(B) by striking "or electronic trading facility;";
and
(2) in the second sentence, in the matter preceding the proviso, by striking "or electronic trading facility; and".

(l) Section 12(e) of the Commodity Exchange Act (7 U.S.C. 12(e) is amended by striking paragraph (2) and inserting the following new paragraphs:

"2 EFFECT.—This Act supersedes and preempts the application of any State or local law that prohibits or regulates gaming or the conduct of bucket shops (other than antifraud provisions of general applicability) in the case of an agreement, contract, or
transcription that is excluded from this Act under “(A) subsection (c) or (d) of section 2; or
“(B) title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–167).”.

(m) Section 15(b) of the Commodity Exchange Act (7 U.S.C. 19(b)) is amended by striking “(c)” and inserting “sections 5 through 5c”.

(n) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 23(b)(1)(A)) is amended by striking “by section 2(h)(7) or sections 5 through 5c”.

(o) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2106(b)(1)) is amended by striking “section 1a(32)” and inserting “section 1a”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 14—TO PROVIDE FUNDING FOR SENATE STAFF TRANSITIONS

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

S. Res. 14

Resolved, That (a) purposes of this section, the term “eligible staff member” means:

(1) whose pay is disbursed by the Secretary of the Senate and who was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), the period referred to in section (6(c)(1)) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Senate, perform limited duties as an archivist and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (2)(b)(2), funds necessary to carry out the provisions of this section shall be available as set forth in section (1)(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(1) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(1) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wildlife Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wildlife Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike “2” and insert “3”.

On page 526, line 7, strike “5” and insert “4”.

On page 974, line 19, insert “the Secretary of the Army, acting through” before “the Chief”.

On page 1188, line 19, strike “or” and insert “and”.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following: Section 107(a)

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VONDICH, Mr. ENZI, Mr. THUNE, Ms. MURkowski, Mr. CORKER) proposed an amendment to the bill S. 181, 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Title VII Fairness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. Thus, ensuring that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly filed limitations periods provide the necessary conditions to make such voluntary resolution possible.

(4) In instances in which voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises...
due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of an unlawful employment practice. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of such discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

"(3)(A) This paragraph shall apply to a charge if—

"(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

"(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

"(B) In the case of such a charge, the applicable 180-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support reasonable suspicion of such discrimination.

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

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

(2) by striking "(d)" and inserting "(d)(1)";

(3) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon;

"(3) by adding at the end the following:

"(5) This paragraph shall apply to a charge if—

"(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

"(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

"(B) In the case of such a charge, the applicable 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

"(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (f).

"(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(3)) shall apply (in the same manner as such section is construed to apply to a charge described in subparagraph (A)(i) of such section) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) CONSTRUCTION.—

(1) CIVIL RIGHTS ACT OF 1968.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

"(f)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section is construed to apply to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

"(2) For purposes of applying section 706(e)(3) to a complaint under this Act, a reference in section 7(d)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under section 7(d).

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and 7(d)(4)";


SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the above-named bill, S. 181, 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 such discriminatory compensation decision or other practice, or other compensation is paid, resulting in whole or in part from such a decision.''.

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohbit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

NA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the above-named bill, S. 181, 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 such discriminatory compensation decision or other practice, or other compensation is paid, resulting in whole or in part from such a decision.''.

SEC. 8. LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) FINDINGS.—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike "or other practices".

(b) CIVIL RIGHTS ACT OF 1964.—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert the following:

"(3) For purposes of this paragraph, unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.''.

SEC. 9. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 10. EFFECTIVE DATE.

SEC. 11. AUTHORITY FOR COMMITTEES TO MEET.

AUTHORITY FOR COMMITTEES TO MEET.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 9:30 a.m.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 15, 2009, at 10 a.m.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 11:15 a.m., in room 226 of the Dirksen Senate Office Building.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 15, 2009, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, to conduct a hearing entitled “Investing in Health IT: A Stimulus for a Healthier America” on Thursday, January 15, 2009.

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

Mr. DODD. Madam President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet on Thursday, January 15, 2009, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 2:30 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Job Creation and Economic Stimulus in Indian Country.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States on Thursday, January 15, 2009, at 9:30 a.m., in room SR-325 of the Russell Senate Office Building.

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

Mr. DODD. Madam President, I ask unanimous consent that a member of my staff, Deborah Katz, be granted floor privileges for the duration of today’s session.

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

Mr. HARKIN. Madam President, I ask unanimous consent that Mitch Schriemer of my staff be granted the privilege of the floor for the duration of today’s session.

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

SENATE STAFF TRANSITION

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 14.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) to provide funding for Senate staff transition.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 14) was agreed to, as follows:

S. Res. 14
Resolved, That (a) for purposes of this section, the term “eligible staff member” means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term (b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C).

Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C).

Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committees on Rules and Administration of the identity of each eligible staff member.

(1) During the period described in paragraph (2), the office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneou Items within the Senate or the Sergeant at Arms office and the Secretary of the Senate or the Sergeant at Arms office and the Secretary of the Senate shall maintain such vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate.

(c) The Secretary of the Senate shall notify the Committees on Rules and Administration of the identity of each eligible staff member.

(1) During the period described in paragraph (2), the office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the Senate or the Sergeant at Arms office and the Secretary of the Senate or the Sergeant at Arms office and the Secretary of the Senate shall maintain such vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed to the consideration of S. 273.

The PRESIDING OFFICER. The Senate now proceeds to the consideration of S. 273.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this bill be printed in the Record.

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

The bill (S. 273) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows: S. 273

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

SECTION 1. RALPH REGULA FEDERAL OFFICE BUILDING AND COURTHOUSE

(a) Designation—The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, S.W., in Canton, Ohio, as the “Ralph Regula Federal Office Building and Courthouse.”

(b) References.—During the period in which the building referred to in subsection (a) is occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the “Ralph Regula Federal Office Building and Courthouse.”

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111–1

Mr. REID. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the following treaty documents:

(A) uponrising account of Malta, Treaty Document No. 111–1.

I further ask that the treaty be considered as having been read the first
I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on August 8, 2008, at Valletta (the “proposed Convention”). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention.

The proposed Convention provides for reduced withholding rates on cross-border payments of dividends, interest, royalties, and other income. The proposed Convention contains a restrictive provision designed to prevent “treaty shopping,” which is the inappropriate use of a tax treaty by third-country residents. The proposed Convention also provides for the exchange of information between the competent authorities to facilitate the administration of each country’s tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Convention and give its advice and consent to ratification.

GEORGE W. BUSH.


THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, I apologize to all of the staff—we have had a long, hard week—for keeping everybody around, but we have had some very important business Senator MCCONNELL and I have been working on for 3 days and we just could not leave without completing that. I know it is tough to be out here and have a quorum call and not getting things done, but when we are not out here, it does not mean we are not doing things. So I apologize to the Presiding Officer and the wonderful staff, but I appreciate your patience.

ORDERS FOR FRIDAY, JANUARY 16, 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate completes its consent that when the Senate be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business, with Senators allowed to speak for up to 10 minutes each. I further ask consent that Senator SALAZAR be recognized to speak following leader remarks in order to give his farewell remarks.

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

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, at 11 o’clock tomorrow morning, Senator-appointee TED KAUFMAN will take the oath of office and become a U.S. Senator, replacing our soon-to-be Vice President, JOE BIDEN.

There will be no rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:32 p.m., adjourned until Friday, January 16, 2009, at 10 a.m.
Mr. RAHALL. Madam Speaker, today I am introducing legislation, using the authority granted to Congress under the Congressional Review Act, to overturn last minute regulations promulgated by the Bush Interior and Commerce Departments which give federal agencies an unacceptable degree of discretion to decide whether or not to comply with the Endangered Species Act, ESA.

Joining me in introducing this measure are Mr. MARKEY, Mr. GEORGE MILLER, Mr. DEFAZIO, Mr. HINCHHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. MALAVIA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER. I thank them for their support.

The Bush Administration has had a long, though one could hardly say proud, history of trying to undermine the Endangered Species Act and the protection it provides our Nation’s most imperiled species. For years, high ranking political appointees in the Department of Interior used their positions and influence to meddle in scientific decisions under the ESA and alter outcomes, potentially harming species and most definitely harming the integrity of the law and morale and reputation of the agency charged with implementing it.

The rules we seek to overturn with this joint resolution were rushed through in the final months of the Administration and are the final assault on and insult to one of our nation’s landmark conservation laws. They gut what is the cornerstone of the law, the Section 7 consultation process, and allow federal agencies to undertake or permit thousands of federal activities, such as logging or building a dam, on federal land and other areas without obtaining review or comment from federal wildlife biologists at the Fish and Wildlife Service.

This incredibly controversial proposal—which could have far-reaching implications on the future integrity of the Endangered Species program—clearly merits more public scrutiny than the Administration provided. First proposed in late August, the Administration rushed a public comment period and environmental assessment and then reviewed more than 300,000 public comments at a rate of more than 6,000 per hour. This last minute, ill-conceived over haul of the rules governing America’s endangered wildlife, brokered behind closed doors, is an affront to the American people who trust their government to do the right thing.

Eleventh hour rulemakings rarely, if ever, lead to good government, and this is not the type of legacy the Bush Administration should be leaving for future generations. Not surprisingly, this is not the first time—that it will likely be the last—that the Bush Interior Department abdicated their responsibility for ensuring that an agency action will not jeopardize a listed species or harm their habitat. Similar regulations proposed to allow the Environmental Protection Agency to decide whether to consult when licensing pesticides were rejected by the Court in 2006, just as we should reject these regulatory changes now.

As the Bush Administration fades off into the sunset, they leave behind a trail of last minute regulatory changes that represent the worst in public policy and that Congress and the new President will have to undo. In my role as chairman of the Natural Resources Committee, I look forward to working with the Obama Administration to correct course and promote a positive resource conservation agenda. We need to invoke the change that is needed to restore the vigor and vitality of America, including the unique natural heritage that has carved our Nation as we know it today. Passage of this joint resolution will be one important step in restoring that natural heritage.

CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. BETTY MCCOLLUM
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today to express my strong support for the Children’s Health Insurance Program Reauthorization Act of 2009 which will provide health care coverage for an additional 4.1 million children. Every child in America should have the right to health care, and this bill will bring us one step closer to that goal.

It is unacceptable that more than 47 million Americans, including 11 percent of American children, are without health insurance. Many hard-working families in Minnesota and across the nation have lost their jobs, 2.6 million jobs in the last year. For every 1 percent increase in the unemployment rate, it is estimated that as many as 1.5 million Americans will lose their health care coverage. Expanding SCHIP will expand health care access for children at a time when too many American families are losing employer-sponsored health care. In these tough economic times, by helping families gain access to health care, we can give families the resources they need to give their children a better future.

The bill provides access to health care for 4 million children in America who are currently uninsured and preserves the coverage for all 7.1 million children currently covered by SCHIP. It is supported by 80 percent of the American people and over 300 organizations—including large majorities of Democrats, Independents and Republicans. The bill will extend coverage to 4.1 million additional low-income, uninsured children, covering a total of 11 million, and is likely to be one of the first signed into law by President Barack Obama. Last year, President Bush vetoed this vital health legislation that was passed by both chambers of Congress.

The State Children’s Health Insurance Program (SCHIP) was created in 1997 to provide health care coverage for children in families that earn too little to afford health insurance for their children themselves but too much to qualify for Medicaid. This bill will give states the resources and incentives necessary to reach and cover millions of uninsured children who are currently eligible, but not enrolled. It will also improve SCHIP benefits-ensuring dental coverage and mental health parity. This bill is largely paid for by increasing the tobacco tax by 61 cents, and will help keep kids and families healthy while saving taxpayers money in the long-run.

Expanding SCHIP is an important step forward, but we still must keep fight to make health care available and affordable for all Americans. As we reform our health care system, we need to focus on accessible, patient-centered care that focuses on wellness and prevention, while improving the quality of patient care. We will continue to fight to expand SCHIP and make health care available and affordable for Minnesota children and their parents.

As we start the new Congress and the new administration I can think of no better way to bring about change than by investing in our children’s health care. It is morally right, and crucial for the future of our Nation. I urge my colleagues to join me in voting for this important bill.

HONORING TONY DUNGY, INDIANAPOLIS COLTS HEAD COACH

HON. ANDRE CARSON
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to honor Tony Dungy, head coach of the Indianapolis Colts, who after more than 30 years in football has announced his retirement.

Mr. Dungy’s stellar career in professional football began on the field, where he won a Super Bowl Championship as a member of the 1978 Pittsburgh Steelers. Years later, this experience led to his hiring as the youngest assistant coach in the NFL at the age of 25.

His respectful coaching style and emphasis on both personal and athletic growth has made Mr. Dungy one of the most successful and well regarded coaches in the NFL. His unique coaching style led the Colts to seven consecutive playoff appearances, including a victory in Super Bowl XLI. In 2012, Indianapolis will host its first Super Bowl, in part because of the prestige that Mr. Dungy has brought to the Colts organization.
Off the field, Mr. Dungy has been a nationally recognized community activist. Because of his unwavering support of teen mentoring, prison ministry, and other faith-based community outreach programs, President Bush appointed him to the President’s Council on Service and Civic Participation.

I urge my colleagues to join me in congratulating Tony Dungy on an incredible career and thanking him for his dedication to the highest level of sport and community service.

IN MEMORY OF M. PAUL REDD

HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mrs. LOWEY. Madam Speaker, I rise, with great admiration for a leader of unparalleled strength of conviction and with personal sadness at the loss of a good friend, to pay tribute to his life achievements, and memory of M. Paul Redd.

Paul Redd’s record of civic accomplishment is well-known: his tireless stewardship of the Westchester County Press, his founding of the Westchester Chapter of the N.A.A.C.P., his leadership of the Paul Redd Affirmative Action, his deep engagement in the work of government and the challenge of politics. These roles and duties have been rightly noted and extolled in the days since Paul’s passing, yet they alone do not capture the essence.

It was Paul Redd’s fearless character, a trait that infused and informed all of his deeds, that shines most brightly in memory.

Paul Redd moved easily in the corridors of power and counted among his friends men and women of great influence, but Paul was never an insider, because he understood at every moment that he spoke for those on the outside—those who were denied opportunities to achieve their potential, exercise their rights, and enjoy the full fruits of a free and decent society. And if Paul’s voice was sometimes loud, it is because so often he gave voice to those without one of their own.

Paul Redd was not interested in making anyone comfortable, nor in employing the empty pleasantries that too often conceal injustice. He understood that wrongs are best addressed directly and forcefully, in the full light of day. And he was willing to confront anyone, big or small, friend or foe, when the duties of conscience demanded it.

It is no wonder, therefore, that his column “M. Paul Tells All” was so unique in its incisive commentary and in the attention it commanded among public officials and citizens alike. It is no wonder that Paul Redd was at the forefront of protests and demonstrations to achieve equal opportunity in housing and employment. It is no wonder that Paul Redd left a lasting mark in law and administration, an edifice of public policy that will outlive us all.

Paul Redd’s vocal public leadership was matched by a quiet, dutiful, and often thankless private acceptance of heavy responsibility. Nowhere is this more evident than in the survival of the man, the success of the Westchester County Press, a success almost as an act of will by Paul Redd. He worked often late into the night and then on into the morning to ensure that it never missed an issue, enlisting friends and colleagues in his labors, and ensuring that the paper of record of Westchester’s African-American community would not be silenced.

It goes without saying that Paul was utterly devoted to and fully supported by his loving family, beginning with his partner and dear wife, Zelman Redd, and continuing with two children who are accomplished in and devoted to service, Paula Redd Zeman and M. Paul Redd, Jr.

Paul Redd surely drew great satisfaction and hope from the progress he witnessed—and often led over the span of decades. He was proud of the many African-Americans who achieved public office in our county, encouraged by the breaking of barriers that opened the doors of public and private sector leadership to all Americans, and elated by the election of our nation’s first African-American President. But Paul Redd never confused movement towards a goal with final attainment of a goal. His eyes were always forward, fixed on the unmet challenge and determined to meet it. Paul knew what our community and nation could and should be, and in life, was unwilling to rest so long as this vision remained distant.

Like Dr. King, whom he revered, Paul Redd was destined to see the promised land, more clearly than most, but not to set foot within it. It must be the task of those who knew him to love him and loved him to finish the work for which Paul Redd gave every measure of his devotion.

CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SCHIFF. Madam Speaker, today I rise in support of the Children’s Health Insurance Program Reauthorization Act. This is a landmark measure which will yield the lifelong changing benefit of health insurance to an additional 4 million American children. That means millions of parents won’t have to bring their child to the emergency room because they’re running a fever and have nowhere else to take them. Millions of parents will be able to take their child to a dentist if their teeth hurt. Millions of parents who can take care of their children in a way most families take for granted—that when they’re sick, they can go to the doctor. SCHIP has been an incredible success story, extending the benefits of health care to 7 million children, and more than 750,000 in California alone. These are children whose families have incomes that are too high to qualify for Medicaid but who do not receive health insurance through their employment and can’t afford it on their own. SCHIP is based on a simple premise—that insuring kids’ health care is the right thing to do. It’s much cheaper to insure children, and this investment will yield healthier generations of adults, improved quality of life, and long-term health care savings. The experience of the 11 years since SCHIP was originally created proves the wisdom and prudence of providing care for prevention and wellness in our children.

In addition to reauthorizing the program, this bill improves SCHIP by creating new incentives to seek out millions of children around the nation who are eligible but not enrolled. Two-thirds of uninsured children are currently eligible for coverage through SCHIP or Medicaid—this bill provides greater funding in grants for new outreach activities to States, local governments, schools, community-based organizations, and others. With this bill we will take more kids who are eligible will get enrolled and stay enrolled for a benefit that they are entitled.

The legislation is fully paid for by an increase in the tax on cigarettes—a provision that I hope will also help discourage youth smoking.

During these trying economic times, and with rising unemployment, the need for this SCHIP bill has become more critical now than ever before. This recession has forced more and more American parents to face difficult choices—funding affordable health insurance for their children shouldn’t be one of them.

A vote for this bill is a vote for an America that takes care of its children. In the richest nation in the history of the world, it is simply...
TRIBUTE TO KEVIN E. QUINLAN
HON. SHELLEY BERKLEY OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009
Ms. BERKLEY. Madam Speaker, as co-chair of the Congressional Stop DUI Caucus, I rise today in tribute to one of the Nation’s top traffic safety officials, who has passed away suddenly.

Kevin E. Quinlan was the Chief of the Safety Advocacy Division of the National Transportation Safety Board (NTSB). Mr. Quinlan was with the Safety Board for nearly 20 years, serving as the Alcohol and Drug Program Coordinator and Chief of the Safety Recommendations Division. He was instrumental in promoting State action on Safety Board recommendations to reduce fatalities, injuries, and crashes in all modes of transportation. Mr. Quinlan authored five major studies for the Board. Prior to his work with the NTSB, Mr. Quinlan served in the U.S. Army for 29 years, receiving the Legion of Merit and Meritorious Service Medal. He has an undergraduate degree from Boston University and graduate degrees from William and Mary, the U.S. Army Command and General Staff College, and the U.S. Air Force Air War College.

Mr. Quinlan loved to travel and was skiing in Vermont when he suffered a fatal heart attack. He was well-respected and admired by everyone in the traffic safety community. He was a mentor to countless traffic safety advocates and an inspiration to the thousands of people who lost loved ones to the preventable crime of drunk driving. One of his greatest passions was the fight to stop drunk driving. His expert testimony led to the passage of many effective countermeasures across this Nation. His work has saved countless lives and I ask that my colleagues join me in honoring him today.

CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009
SPEECH OF
HON. LORETTA SANCHEZ OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 14, 2009
Ms. SANCHEZ. Madam Speaker, I rise today to congratulate my colleagues on the passage of H.R. 2 yesterday afternoon.

H.R. 2 is a critical piece of legislation that renews and improves the State Children’s Health Insurance Program (SCHIP) that ensures health care coverage for over 11 million American children—including the addition of 4 million, previously uninsured. This legislation also improves SCHIP benefits by ensuring coverage for dental and mental health services.

H.R. 2 will reauthorize SCHIP through FY 2013 and will be fully paid for through an increase in the tobacco tax.

Raising the tobacco tax discourages children from smoking. According to the Campaign for Tobacco-Free Kids, the tobacco tax increase will prevent nearly 2 million children from starting to smoke.

I am hopeful that the Senate will also pass H.R. 2 and I look forward to this important legislation becoming law under the new administration of President Obama.

RECOGNIZING ISRAEL’S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA
SPEECH OF
HON. JACK KINGSTON OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, January 9, 2009
Mr. KINGSTON. Madam Speaker, when Israel unilaterally withdrew from Gaza in 2005, the Islamic group Hamas—which does not acknowledge Israel’s right to exist—took control over the small strip of land. Since then, relations between Gaza and Israel have steadily deteriorated.

On December 19, Hamas ended the 6-month cease-fire with Israel by launching dozens of rocket attacks into southern Israel, randomly targeting civilian neighborhoods. Eight days later, Israel began a counter offensive of large scale air strikes. Hamas has continually misused this as a launching pad for rockets against Israeli cities and has contributed deeply to a reduction in the quality of daily life and the deteriorating humanitarian situation.

I deeply support Israel’s right to defend themselves against Hamas attacks. I also hope to see a sustainable cease-fire brokered to save the innocent victims of Hamas’ continual instigation of Israel’s defensive power.

A friend recently sent me this compelling Washington Post article which I would like to submit for the Record.

[From the Washington Post, Jan. 4, 2009]

AS MY SON GOES TO WAR, I AM FULLY ISRAELI AT LAST
(Jerusalem)—"I just heard on the news that Gavriel’s base has been shelled," my wife, Sarah, said to me last Tuesday, referring to our 19-year-old son, a member of an Israeli army tank unit waiting on the Gaza border for the order to enter. And, she added in a deliberately calm tone, "A soldier was killed." We texted Gavriel, and within five minutes he called, saying, "Dad, did families survive war before cellphones?"

For days we waited for a cabinet decision: Will there be a land invasion or a new cease fire? The politicians were at loggerheads while our soldiers waited on the border, in the rain and the mud. Anything but this, I said to Sarah. Not another Lebanon War, which, like Gaza, began with an impressive show of Israeli air power but ended with Hezbollah leader Hassan Nasrallah predicting the imminent end of "the Zionist entity." If we don’t win this time—deliver an unambiguous blow if not topple Hamas entirely—our deterrence will further erode, inviting more rocket attacks and encouraging the jihadist momentum throughout the Middle East.

And then I caught myself: How can I be happy for an outcome that will send my son into battle? This is my first experience as the father of a soldier, and now, after 26 years of living in Israel, I finally understand the terrible responsibility of being an Israeli. I had assumed that I’d become initiated into Israeliness when I myself was drafted into the army as a 31-year-old immigrant in 1989. But perhaps only now have I become fully Israeli, Zionism promised to empower the Jews by making them responsible for their fate; the price for that achievement is to be prepared to make the ultimate sacrifice for one’s commitments.

I know Gaza from a previous conflict. During the first intifada of the late 1980s, when Palestinians revolted against the occupation, I was part of a reservist unit that patrolled Gaza’s refugee camps. There I learned
that there is no such thing as a benign occupation, as Israelis had once deemed themselves into believing. Our unit not only arrested terrorist suspects but also dragged people in the middle of the night to paint over anti-Israel graffiti and rounded up innocents after a grenade attack just to "make a presence," in army terminology. On our tour, we were told about the wisdom of turning soldiers into policemen of a hostile civilian population that didn’t want us there and which we didn’t want part of our society.

A majority of Israelis emerged from the first intifada convinced that we need to do everything to end the cycle of death and ensure that our children don’t serve as enforcers of Gaza’s despair. That was why I initially supported the 1993 Oslo peace process that gambled with Arafat’s supposed transformation from terrorist to peacemaker. And even after it became clear that Arafat and other Palestinian leaders never intended to accept Israel’s legitimacy, I supported the unilateral withdrawal from Gaza in 2005, simply to extricate us from that region, knowing that we would not return in peacetime.

And now my son is fighting in Gaza. The conflict he and his friends confront is far worse than my generation’s experience in Gaza, where we were confronted with mere rocks and Molotov cocktails; my son faces Israeli-supplied anti-tank weapons—one more price we will pay, along with the misfortunes of towns, for the Gaza withdrawal, just as the Israeli right had warned.

Still, I don’t regret that withdrawal. If Israelis are united today about our right to defend ourselves against Gaza’s genocidally minded regime, it is at least partly because we and our international partners achieved a fait accompli. My son and his friends have one crucial advantage over my generation’s experience in Gaza. They know, as we did not, that Israel was ready to make the ultimate sacrifice for peace, uprooting thousands of its citizens from their homes and endorsing a Palestinian state. My son confronts Gaza knowing that its misery is now imposed by us. He knows that his country was even prepared to share its most cherished national asset, Jerusalem, with its worst enemy, Arafat, for the sake of preventing the war.

Meanwhile, I try to reassure myself about Gavriel’s safety. Growing up in Jerusalem during the suicide bombings in the early 2000s, he has already known danger, intimacy with death, and acquaintance with stone. He was stoned to death, and was so mutilated that he could be identified only by his DNA. A friend lost the use of an eye in a bus bombing on his way to school. At least now, Gavriel and his friends can defend themselves. Perhaps one reason most of them volunteered for combat units was because now the generation of the suicide bombings can finally fight back.

Just before the conflict in Gaza began, I happened to visit Gavriel at his base. He was in a hurry to go—so what young Israelis call a "zula"—a hangout. There were muddy couches, chairs without backs, a darbuka drum, a TV (Jay Leno was doing stand up) and a small portrait of a soldier hanging on the wall. It was the unit’s barracks. I mentioned that I had known another Gavriel, grandson of a Holocaust survivor, part of an army defending the Jewish people in its land. This is one of those moments when our old ideals are tested anew and found to be still vital. That provides some comfort as Sarah and I wait for the next text message.

Yossi Klein Halevi is a senior fellow at the Shalem Center in Jerusalem and the author of "At the Entrance to the Garden of Eden: A Jew’s Search for God with Christians and Muslims in the Holy Land."

CONGRATULATING THE HAMILTON EMERALD KNIGHTS UPON WINNING THE NEW YORK STATE BOYS SOCCER CLASS D CHAMPIONSHIP

HON. JOHN M. McHugh
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. McHugh. Madam Speaker, I rise today to congratulate the Hamilton Central School District Emerald Knights upon winning the 2008 New York State boys soccer class D championship. Hamilton was the second state boys soccer championship team in Hamilton Central School’s history, and I am proud to represent them.

On November 16, 2008, the Hamilton Emerald Knights won the New York State class D championship when they defeated the defending state champions, also from my upstate New York Congressional District, by a score of 4–3. In that game, the Emerald Knights rallied to come from behind and win after trailing the Eagles 3–0 with less than 18 minutes to play. Senior midfielder and First-Team All-State selection, Nathan Steward, tallied the Emerald Knight’s first goal in the 63rd minute bending in a 30-yard shot from the right side into the top of the net. Senior midfielder Matthew Broedel cut the Knights’ deficit to 3–2, needing a low shot to the far post with 8:05 left in regulation. Then, with 2:44 remaining, Nathan Steward’s free kick once again found the leg of Matthew Broedel, whose second goal tied the game at 3–3. The game was finally settled only 42 seconds into the sudden death period when sophomore forward Daniel Kraynak scored the game-winner for the Knights on a pass from senior Alex Thompson. William Keever’s three saves in goal and a solid defensive effort helped earn Hamilton its first State championship since 1997.

The Hamilton Emerald Knights completed the 2008 season with a record of 22–2. They were coached by Brian Latella and assistant coaches Brian Rose and Trevor Chapman; the head coach is Robert Reed. Other team members were Alex Bowie, Bobby Dick, Phil Douchinsky, James Gorman, Blaine Holcomb, Mikey Jones, Adam MacBain, Brendon Meeks, Daniel Meeks, Jake Smith, Josh Sorosky, Jack Sullivan, Joe Taranto, Drew Thompson, Keith Upton and Tyler White. The scorekeepers were Robert Reed and Tim Noel. The managers were Lucas Ord, Brian Meeks, Ben Knect, and Ryan Tuttle. Team statisticians were Kaitlyn Askew and Alison Hansen.

Madam Speaker, it is an honor to have the opportunity to recognize the Hamilton Emerald Knights boys soccer team for their significant accomplishment.
of operating a personal vehicle while performing an important service for the pursuit of a greater good.

To achieve this end, my legislation would exclude from gross income any reimbursement received for the use of a volunteer’s car while assisting a charitable group, limited only by the cap the Internal Revenue Service sets each year regarding business driving. This treatment would be available only for services provided without compensation and drivers would be required to maintain sufficient records to substantiate the charitable use of their vehicle. Currently, this bill drops the requirement that charitable groups report these reimbursements to the IRS, removing an administrative and paperwork burden that detracts resources from their larger purpose.

Each day, thousands of Americans lend a hand in providing transportation services to a multitude of organizations engaged in good works. These activities include assisting individuals with their routine grocery shopping, providing the use of a four-wheel drive vehicle to transport home-visit nurses during inclement weather, delivering meals as part of a holiday food drive, helping individuals to keep medical appointments, and many more similar activities.

These volunteer drivers are donating their time and their talents, not their vehicles, and accepting reimbursement for the use of that car, incidental to their time and talent donation, is a reasonable act, which should not result in an additional tax liability. Today, when it comes to driving a personal vehicle, our tax code makes a distinction between business and charitable uses. This distinction is a mistake; it is a serious disincentive to charitable activities, and it should be corrected. I encourage my colleagues to support the continued efforts of our charity-minded constituents by cosponsoring the Charitable Driving Tax Relief Act of 2009.

CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 14, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 2, Children’s Health Insurance Program Reauthorization Act of 2009. This bill will ensure that health coverage continues for the 7 million children currently covered under the Children’s Health Insurance Program, and will extend coverage to an additional 4 million children who are currently uninsured. Without the legislation, the CHIP would end on March 31, 2009.

CHIP provides health care coverage for children in families that earn too much to qualify for Medicaid, but not enough to afford private insurance. In 2007, more than 240,000 children in North Carolina received health coverage through North Carolina’s CHIP, NC Health Choice for Children. Under the legislation, North Carolina’s allotment would increase by 81 percent, from the current level of $136 million to $245 million. North Carolina has 296,000 uninsured children, the sixth-largest number in the country. Two-thirds of uninsured children in North Carolina live in a home where at least one parent works full time.

As North Carolina’s former Superintendent of Public Instruction, I have seen first hand that healthy children are better prepared for learning and success. The Children’s Health Insurance Program ensures that America’s children are as healthy and productive as sensible and that they can grow up to fulfill their potential. Untreated illnesses can have long-term consequences, and access to health care can head off expensive treatments down the road. As a Nation, we must protect our most vulnerable citizens.

I still regret that the bill will be funded by a tobacco-tax increase. The tax in H.R. 2 falls disproportionately on North Carolina, and on the Second District in particular. I understand the burden this will place on farmers who work hard to build a better life for their own children, and I will continue to work to support these families as they adjust to transformations in the global economy. However, with one out of eight children in North Carolina lacking health insurance I will vote for this legislation.

Madam Speaker, I urge my colleagues to join me in voting for the children of America’s working families.

CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF
HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 14, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise today in strong, unwavering, and steadfast support of the reauthorization of SCHIP to provide healthcare for millions of uninsured children. SCHIP is a critical safety net for children. As Chief Justice Thurgood Marshall once said, “The measure of a country’s greatness is its ability to retain compassion in times of crisis.” Providing healthcare for low-income children, especially during this economic crisis, reflects a commitment to the least among us as well as sound economic policy. A healthy child is prepared for school and life. A healthy child does not require costly emergency room visits. I applaud House leaders for including mental health parity and dental coverage for children.

In Fiscal Year 2007, SCHIP provided healthcare to over 345,000 children in Illinois. Unfortunately, due to overwhelming need, Illinois faced a shortfall in federal spending last year. This bill does much to address this gap. Specifically, in addition to preserving coverage for the 7 million children currently in the program, this bill expands coverage to another 4 million children in need.

I want to briefly mention the efforts of Chicago Public Schools in helping low income families overcome many of the barriers that often prevent them from enrolling in SCHIP. The Children and Family Benefits Unit assisted approximately 60 schools in a recent 12 month period, helping over 4,200 families’ complete applications to enroll into the Illinois CHIP, including Medicaid. I am proud of this effort in Chicago, and I am pleased that this bill will continue to support such programs.

In closing, this bill will provide much-needed health care for low-income children in Chicago, Illinois, and the nation, and I look forward to this bill being signed into law in the near future.

THE IRAQI REFUGEE AND INTERNALLY DISPLACED PERSONS HUMANITARIAN ASSISTANCE, RESETTLEMENT, AND SECURITY ACT OF 2009

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. HASTINGS of Florida, Madam Speaker, I rise today with my good friend and colleague, Congressman JOHN DINGELL and almost 15 original cosponsors in strong support of the Iraqi Refugee and Internally Displaced Persons Humanitarian Assistance, Resettlement, and Security Act of 2009, a bill which I am reintroducing for the 1st Session of the 111th Congress.

The comprehensive legislation I am introducing today addresses this crisis and the potential security break-down resulting from the mass influx of Iraqi refugees into neighboring countries and the growing internally displaced population in Iraq, and also facilitates the resettlement of Iraqis at risk.

The plight of Iraqi refugees and IDPs is worsening by the day. It is heartbreaking to hear the stories of families who fled for their safety, are now unable to work and have subsequently depleted their savings in order to survive.

I believe that the United States has a moral obligation to take the lead and provide a ‘humanitarian surge’ in responding to this crisis. The future of the Middle East depends on it.

I would like to thank Congressman DINGELL for his continued leadership in the House of Representatives on this issue and for his help in drafting this legislation as well as the other original co-sponsors supporting this bill. As I have said on many occasions, this must not be a partisan issue, but rather Congress and the Administration have an obligation to work together before the Iraqi refugee crisis further destabilizes the region.

I urge my colleagues to support this important legislation, which will provide much-needed relief for Iraqi refugees and IDPs. I call on the leadership of the House to support this bill.

REMEMBERING MAJOR JOHN P. PRYOR, MD

HON. JOHN H. ADLER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. ADLER of New Jersey. Madam Speaker, on Christmas Day, 2008, an enemy mortar round struck the living quarters of Major John P. Pryor, MD, in Mosul, Iraq where he was stationed while on his second tour of duty as an Army Reserve. Major Pryor died of his wounds.

Major Pryor was widely recognized as one of our country’s finest trauma surgeons. On the battlefield, he sought to save the lives of
countless soldiers and Marines. Here at home, he served just as valiantly in his capacity as the director of the trauma department at the Hospital of the University of Pennsylvania. Throughout his life, Major Pryor demonstrated an uncommon commitment to our community and our country, one that 9/11, he-funded ride to New York City in an ambulance so that he could lend a hand in one of our greatest hours of need. Shortly thereafter, when America went to war, he volunteered for military service because he felt a patriotic duty to heal wounded soldiers. Time and again, Major Pryor was there when we needed him most.

Major Pryor’s absence has been deeply felt by his family, his fellow soldiers, the HUP community, and by all those whose lives he touched. Across our country, we share their grief. Soldiers like Major Pryor remind us that the price of war cannot be measured just in dollars, or in territory, or even in the number of our patriots who never return home. It must also be measured with the valor, the potential, and the devotion of those we have lost. Within our military are heroism and courage beyond measure, and while the presence of these heroes makes our Nation stronger, the loss of any servicemember is all the more painful, for when they give their lives, the promise of their lives is lost as well. We give thanks for the life of John Pryor. We mourn his loss. We offer our prayers to his family.

CHAMPION FOR CHILDREN AWARD
HON. BETTY McCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Ms. MCCOLLUM. Madam Speaker, it was my honor today to be recognized by Global Action for Children with the Champion for Children Award. Launched in 2003, the Global Action for Children is a nonprofit, results-oriented coalition dedicated to advocating for orphans and highly vulnerable children in the developing world. Today, I would like to share with you some of the following remarks, but was unable to do so due to Congressional business. I would like to enter my remarks for this event into the Congressional Record.

COMMENTS ON THE CHAMPION FOR CHILDREN AWARD

Good afternoon.

It is an honor to receive this award from Global Action for Children. Long after I am gone from Washington, if there is one thing people say about me, I hope it is “she was a champion for children.”

I would like to thank Jennifer Delaney for all of her work and for the hard work of her staff. I first worked with Jennifer in 2003 on the original PEPFAR bill to secure funding for AIDS orphans and vulnerable children. Jennifer’s dedication and commitment to fighting for children around the world—and to build the partnerships necessary to be successful—is an inspiration. She is a tremendous resource for Members’ offices and I am very proud to have worked with her today.

I would also like to congratulate my colleagues from the Senate—Senators Lugar and Dodd—on their awards today. Their commitment to our children is well known and I look forward to working with them in the 111th Congress to make the needs of our planet’s next generation a priority domestic and foreign policy issue.

I came to Congress eight years ago. During my time as in the U.S. House there have been 80 million children around the world have died from mostly preventable or easily treatable diseases—80 million children.

Four million mothers have died from pregnancy related causes, most of which could have been averted with access to basic health care. Nearly 10 million more children will needlessly die across this planet from malnutrition, dirty water, treatable infections, and diseases that can be treated. This global health landscape is a tragedy of enormous proportions that we can help to stop—we MUST help to stop.

For all the mothers and fathers in the room today, you think a mother or father in Bangladesh, Zambia or Guatemala loves their newborn or toddler less than we love our children? Every parent loves their children and wants them not only to survive but thrive and succeed.

In the 111th Congress, let us work together—policy makers, global health advocates and citizens—to make the policy improvements and funding investments to save the lives of millions more newborns, children and mothers.

Let us work to make child survival and maternal health the global health priority of this Congress.

As President-elect Obama looks at the foreign policy landscape there needs to be some major reforms in the manner in which development assistance is delivered.

We need a new comprehensive strategy and the tools to execute that strategy. We need to invest the hard earned tax dollars of our citizens in building a better world—a safer world—a more peaceful world. And, we need to see outcomes for our investments that can be demonstrated.

Here is an investment idea and an outcome I’d like to see this Congress act upon: How about investing a billion dollars to save the lives of a million newborns and children? Do you think the American people would support a billion dollar investment that saved a million young lives?

I think they would.

Congress, working hand-in-hand with the Obama Administration, needs to refocus our strategy for development assistance to focus on the basics. In addition to focusing on child survival, what we need is to increase investment in agriculture development to reduce malnutrition, increase family incomes and reduce the demand for emergency food aid.

Let us help to expand access to clean water, preventing water born illnesses.

We must maintain our commitment to fighting HIV/AIDS while not backing away from the need to assist orphans and vulnerable children grow up healthy, productive and free of HIV/AIDS.

Finally, we need a foreign policy that recognizes that hundreds of millions of children around the world are confronting violence, absolute poverty, hunger and lives of misery on a daily basis.

Think of the children in Gaza, in the Democratic Republic of Congo, in Zimbabwe and how they are suffering. Their lives will forever be shaped by violence. We need to work to make the world safe for children and that means aggressive, smart diplomacy that works to prevent political crisis and conflicts. If we are truly a superpower we need not simply stand by and watch the escalation of violence and suffering, we must work to prevent it.

Let’s start making the world safer for children by advancing a child-based development agenda—such as the emergency presidential initiative for the world’s children being proposed by Global Action for Children here today. This is exactly the type of bold commitment the United States should and can make to the world’s children.

Let me conclude by speaking about commitments. Every parent cringes knowing a child into this world means a commitment until that child becomes an adult. It means meeting the child’s physical needs, creating a safe environment, sharing love and protecting your child from harm. This is universal across all cultures.

A similar type of commitment on the part of states to children embodied in the United Nations Convention on the Rights of the Child. Yet, the United States, along with Somalia, are the only two nations on the face of the Earth which have not ratified this treaty, not formalized our commitment to our own children and the world’s children. This is an embarrassment that I hope is addressed after January 20.

Each child—where ever he or she is born—is a child of God and a blessing.

Therefore, every child should be recognized as possessing the human dignity and basic human rights we all share and we all expect for our own children. If this is in fact true, then you believe it, and I know you do—then we’ve got lots of work to do.

Thank you all for making the world’s children a priority and for recognizing that their rights and their well-being are as important as our own children’s.

GET AMERICA MOVING AGAIN
HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. MANZULLO. Madam Speaker, today I am privileged to be joined by my good friend and co-chair of the Congressional Automotive Caucus, Rep. U.S. Senate this Congress, introducing the Get America Moving Again Act of 2009.

This bill is simple. It provides a tax credit of $5,000 for any new vehicle purchased from January 1, 2009, until December 31, 2009. In order to prevent a large drop off in new car sales next year, the tax credit would be cut in half to $2,500 starting on January 1, 2010. The tax incentive would then expire on December 31, 2010. In addition, the bill provides a tax credit of $2,000 for any late model used vehicle purchase, as defined as 3 years old or less, from January 1, 2009, until December 31, 2009 so that automobile dealers are not saddled with unsellable used cars. This tax credit would also be cut in half to $1,000 starting on January 1, 2010 and would also end on December 31, 2010. The tax credit would be limited for vehicles that cost under $50,000 and would only be allowed for households with an adjusted gross income of $250,000 or less.

I am also working on a second alternative bill that will move this tax credit concept to a voucher system so that consumers can see the benefits of this incentive at the point of sale of a vehicle.

Madam Speaker, I am introducing this bill today because we need to get people thinking now about ways to re-ignite consumer demand for vehicles. Our economy is in crisis today because of insufficient consumer demand for goods and services due to the fear in this country of making a significant purchase. All the economic stimulus plans that
IN HONOR OF THE 2008 LAWRENCE CENTRAL HIGH SCHOOL MARCHING BAND

HON. ANDRÉ CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize the Lawrence Central High School Marching Band, whose 2008 success catapulted them forward as one of our nation’s top high school marching bands.

Lawrence Central’s amazing season culminated with an invitation to the prestigious Annual Fiesta Bowl and Blue Cross/Blue Shield National Band Competition. Competing against the nation’s best bands, Lawrence Central was crowned Grand Master Champion, the highest award available.

The band’s achievements would not have been possible without the highest quality band leadership. Directors of Bands Randy Greenland and Matthew James and their staff all served as excellent teachers and mentors to their band members. Additionally, all the Lawrence Central fans, and in particular the spirited student body, should be recognized for their enthusiastic support.

I offer my sincere congratulations to the Lawrence Central Marching Band, their band staff, classmates and parents on their incredible success in 2008.

A TRIBUTE TO GWEN REGALIA,
MAYOR OF WALNUT CREEK

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in honoring Gwen Regalia, for her many accomplishments and contributions to the city of Walnut Creek.

Gwen Regalia has provided remarkable leadership as a member of the Walnut Creek City Council since 1987. As Mayor of Walnut Creek, Gwen served for an unprecedented five terms and her congressional district has been greatly enhanced by over two decades of her service. Now, as Gwen retires from public office it is my great privilege to pay tribute to her work in the CONGRESSIONAL RECORD.

Gwen’s career began upon her graduation from the University of California at Berkeley. She began teaching elementary school when she moved to Walnut Creek in 1958 and now holds a Life Credential in Elementary Education. Gwen’s political career began in 1978 when she ran for the Walnut Creek School District board and served for almost ten years; she also served as president for two of those years.

In 1987 Gwen was elected to the City Council, but her duties did not stop at the Walnut Creek boarder. While in office she also served as President of the Kennedy-King Memorial College Scholarship Fund, she was president and former director of the Diablo Valley Foundation for the environment, she is a forty-year member of the American Association of University Women, member of the League of Women Voters of Diablo Valley, Diablo Regional Arts Association member, as well as other local cultural organizations.

Under Gwen’s leadership in the City Council several capital projects were completed, including the Lesher Center for the Arts, the Shadelands Art Center, the Iron Horse Trail Bridge, two gyms, five parks and seven ball fields, as well as the acquisition of 305 acres of open space.

Gwen Regalia’s twenty-one years of public service is an example to us all, and we are lucky to have her vision and her commitment to the citizens of Walnut Creek. It is my honor to recognize Gwen Regalia as she retires from public service and I wish her success and happiness in her future endeavors.

IN HONOR OF SECRETARY VALERIE A. WOODRUFF

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Valerie Woodruff, Delaware’s Secretary of Education. Val will retire this year after a 44 year career in public education and serving the state of Delaware for over 30 years.

During her term as Secretary, Val led the implementation of Delaware’s accountability system and worked with Congress and the U.S. Department of Education to implement the federal No Child Left Behind Act in Delaware.

Although Val’s work in public education began long before her service in Delaware, Val has had a huge positive impact on Delaware’s education system. Val led the development of the first school-based Wellness Center in Delaware that has served as a model for additional Delaware schools. Val served as a Thomson Fellow for the Coalition of Essential States, where she participated in, and conducted workshops in her capacity and was selected as Delaware’s Principal of the Year in 1990. Val also serves as a member of several boards including the Delaware Workforce Investment Board and its Youth Council and the State Chamber of Commerce Partnership.

Additionally, Val represents Delaware on the Southern Regional Education Board, serves on the Executive Committee of the Southern Regional Education Board, and is the first K–12 educator to serve as Vice Chair. She also served as President of the Council of Chief State School Officers from November 2005 to November 2006.

Val was born in Steubenville, Ohio and grew up in West Virginia. She attended Alderson Broaddus College in Philippi, West Virginia and graduated in 1966 with a Bachelor of Arts degree in Secondary Education in English and Social Studies. In 1971, Val began her work in Delaware and received her Master of Education degree in Guidance and Counseling from the University of Delaware in Newark, Delaware.

I would like to thank Val for her many years of service and her focus on developing quality teachers and school leaders, as well as the importance of providing an excellent education experience to Delaware. Val’s work has resulted in improved student achievement and positive recognition of Delaware public education.
INTRODUCTION OF H.R. 553: THE REDUCING OVER-CLASSIFICATION ACT OF 2009

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. HARMAN. Madam Speaker, America’s first preventers will face an enormous challenge next Tuesday. They must protect key members of this and the next Administration—especially the first families—and manage crowds of millions for the largest American Presidential Inauguration to date, working seamlessly with federal counterparts to do so.

Unprecedented efforts will be made to share information—especially information about threats. Information sharing was a huge problem leading up to 9/11, and 7 years later, we still have work to do.

When the Inauguration is over, local law enforcement shouldn’t have to return to business-as-usual—where it is still difficult to get accurate, actionable, and timely information about threats and tactics to police officers in the field.

Though hard to believe, sheriffs and police chiefs can’t readily access the information they need to prevent or disrupt a potential terrorist attack because those at the federal level resist sharing information. Over-classification and pseudo-classification—stamping with any number of sensitive but unclassified markings—remain rampant.

Protecting sources and methods is the only valid reason to refuse to share information. It is no exaggeration that people die and our ability to monitor certain targets can be compromised, if sources and methods are revealed.

But classifying information for the wrong reasons—to protect turf or to avoid embarrassment—is wrong. During my 8 years on the House Intelligence Committee, I became incredibly frustrated with this practice—which the Bush Administration elevated to an art form.

And, sadly, the practice has spread to our newest federal agency: the Department of Homeland Security.

Madam Speaker, the next attack in the United States will not be stopped because a bureaucrat in Washington, DC found out about it in advance. It will be the cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack.

H.R. 553, the Reducing Over-Classification Act, and which passed the House unanimously in the 110th Congress, is an attempt to establish a gold standard at DHS when it comes to classification practices.

It requires that all classified intelligence products created at the Department be simultaneously created in a standard unclassified format if such a product would help local law enforcement keep us safe. This is unprecedented.

Furthermore, the bill requires portion marking—the identification of paragraphs in a document that are classified—permitting the remainder of the document to remain unclassified.

The measure will promote accountability by requiring the DHS Inspector General to sample randomly classified intelligence products and identify problems that exist in those samples.

It also directs the Secretary to develop a plan to track electronically how and where information classified by DHS is disseminated so that misuse can be prevented.

Finally, the legislation requires the Secretary to establish extensive annual training on the proper use of the classification regime, and penalties for staff who repeatedly fail to comply with applicable classification policies.

A key to homeland security is personal preparedness. A prepared public is not likely to be terrorized. Access to important non-classified information is essential to ensure preparedness, and this bill protects the public’s right to know. It enjoys support by privacy and civil liberty groups.

Madam Speaker, on behalf of first preventers and first responders everywhere, I urge passage of this essential bipartisan legislation, and its prompt consideration in the Senate.

SCHOOL BUILDING ENHANCEMENT ACT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. HOLT. Madam Speaker, I rise today to introduce the School Building Enhancement Act, legislation that would help schools implement energy saving measures to reduce their energy costs.

According to the Department of Energy, DOE schools spent over $8 billion on energy in 2007—$2 billion more than they spent just two years earlier. Sky-rocketing energy costs have forced schools to spend more annually on heating and electricity than they spend on textbooks and computers combined. Energy is the second-highest operating expenditure for schools after personnel costs. Schools across the country are already facing tight budgets; rising energy costs will only worsen their budget situation and could lead to the loss of important school programs.

Fortunately, there are ways for schools to offset the soaring price of energy. According to the Environmental Protection Agency, EPA, 30 percent of energy consumed in buildings is used unnecessarily or inefficiently. By understanding where energy is used unwisely and implementing simple changes in the operations and maintenance of school buildings, a school’s operating costs can be reduced by 5 to 25 percent. Schools that are seeking even greater long-term savings can retrofit their buildings with more efficient systems and replace old appliances. The $2 billion saved could be used for purchases that directly benefit our nation’s students—such as hiring 30,000 new teachers or purchasing 40 million additional textbooks.

However, cash-strapped school systems often are unable to find the necessary financial resources to invest in these energy efficient upgrades. The School Building Enhancement Act would assist schools in making these improvements by providing grants to states and local educational agencies through the Department of Education for energy efficiency improvements. These improvements would need to follow the guidelines of the EnergySmart Schools Program of the Department of Energy or the Energy Star for K–12 School Districts program at the Environmental Protection Agency.

If enacted, the School Building Enhancement Act would provide the needed funding for schools in my home state of New Jersey, and throughout the country, to implement energy efficiency measures that would help schools save thousands of dollars annually.

Schools that already have implemented energy efficiency measures have succeeded in achieving significant savings. For example, the Summerville Elementary School in my home state of New Jersey has implemented energy efficiency measures that have reduced their consumption by 32 percent, allowing Summerfield to save $41,000 annually on energy costs. Summerfield is just one of many schools that are being built to use energy smarter and more efficiently. According to the EPA more than 800 schools have been Energy Star certified, saving an average of 40 cents per square foot in operating costs annually.

Twenty-five of my colleagues have joined me in introducing this important legislation to help cash-strapped schools achieve significant savings on their energy costs and protect the environment. I urge my colleagues to support the School Building Enhancement Act.

INTRODUCING THE SAVE OUR CLIMATE ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. STARK. Madam Speaker, I rise today with my colleague Jim MCDERMOTT to reintroduce the Save Our Climate Act, a bill to place a tax on carbon. A carbon tax is the most straightforward and efficient way to end our addiction to fossil fuels and confront global climate change.

While I have introduced this proposal in years past, I am more confident than ever that the time for action has arrived. We have a President-elect who consistently acknowledges that our planet is in peril. The upcoming economic recovery package will focus on creating “green jobs” and investing in clean energy.

The best solution is to place a tax on what we want to reduce—pollution; and to put that revenue into what we want to increase—work, income, and investment in new technology. A carbon tax is the best way to do that.

Under the Save Our Climate Act, carbon based fuels—coal, petroleum and natural gas—are taxed at a rate of $10 per ton of carbon content. The tax will increase by $10 per ton of carbon every year, making it less affordable to burn fossil fuels as time goes on. When the United States reaches the International Panel on Climate Change’s standard of reducing CO2 emissions by 80 percent, the tax will be frozen.

A tax provides certainty for businesses, as they will know what the level of tax will be from year to year and can make adjustments in their business plans. This legislation is also simple to administer and will require no new bureaucracy to implement. For these reasons, the Congressional Budget Office, CBO, concluded last year that a carbon tax is the most
Congressional Record — Extensions of Remarks

E101

January 15, 2009

CONGRESSIONAL RECORD — Extensions of Remarks

E101

Page 2 of 4

Mr. SULLIVAN. Madam Speaker, today I am introducing the “Superfund Reinvestment Act,” which would reauthorize the corporate taxes that fund the Superfund trust fund. This bill will reestablish the polluter pays principle and our commitment to cleaning up the Nation’s most hazardous sites.

The Environmental Protection Agency’s, EPA, Superfund program was created in 1980 to provide money to clean up the nation’s worst hazardous waste sites where the party responsible for polluting was out of business or could not be identified. Before they expired in 1995, the money for the Superfund trust fund came mainly from taxes on the polluters themselves. The program has contributed to the cleanup of over 1000 sites around the country. Because Congress has not reauthorized the taxes, the entities that once cleaned up toxic waste sites now falls on the shoulders of taxpayers Americans. Reauthorizing the Superfund tax would ensure that polluters—not the American public—pay to restore public health.

Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards, playgrounds, and streets. Communities impacted by these sites can face restrictions on water use, gardening and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, residents of these communities can face health problems such as cardiac impacts, infertility, low birth weight, birth defects, leukemia, and respiratory difficulties. Until they expired in 1995, the superfund taxes generated around $1.7 billion a year to clean up these hazardous areas. The “Superfund Reinvestment Act” would simply reinstate the taxes as they were before they expired. This will provide a stable source of funding to continue cleaning up sites around the country as well as give the EPA the tools it needs to clean up sites and then recover the costs from liable parties who do not undertake the work themselves.

I urge my colleagues to join me in working to strengthen the Superfund program and ensure that it continues to help keep our communities and our families safe, healthy, and economically secure.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2009

Ms. McCOLLUM. Mr. Speaker, as a Co-chair of the Congressional Mentoring Caucus, I rise today in strong support of H. Res. 41, supporting the goals and ideals of National Mentoring Month.

A mentor by definition means a trusted friend or guide. Mentoring relationships between adults and youths are very important, especially because of the focus on the needs of our young people to mentors, teachers, counselors, and religious leaders are all mentors, and are in a position to positively influence a child’s present and future.

We all have an important role to play in improving the lives of children in our communities—after all, it takes a village. Our youth are yearning for guidance and direction from caring adults and mentoring enables everyday Americans to make a difference and help children grow up to become responsible and productive citizens and meet their full potential. A study by Big Brothers Big Sisters showed mentored youth are 46 percent less likely to begin using illegal drugs, 53 percent less likely to skip school, and 33 percent less likely to get in fights.

National Mentoring Month was conceived as a means to recruit mentors and help close the mentoring gap. Last year, more than 375,000 individuals sought information about local mentoring programs that need more volunteers.

I am proud to announce Joellen Gonder-Spacek, executive director of the Mentoring Partnership of Minnesota, MPM, has been honored with the Manza Excellence in Leadership Award by MENTOR/National Mentoring Partnership. She was recognized for her leadership and commitment to service through MPM’s community initiative to promote mentoring for at-risk youth in Minnesota. This program has made significant improvements in the lives of children and, over the past 14 years, MPM has become a mentoring leader in the State and the Nation.

I encourage all of my colleagues to support this resolution and to look for opportunities to be mentors as well.
only to have those bills vetoed by President Bush. I hope that on the third consideration of this legislation to improve children's health that this bill will be signed into law.

The expansion of this program is even more important today as many workers are losing their health insurance and face great economic hardships during the recent recession. The Kaiser Family Foundation projects that the current unemployment level of 7 percent would increase Medicaid and SCHIP enrollment by 2.4 million people and an additional 2.6 million people would become uninsured. The number of uninsured will rise higher should the unemployment rates climb even further. This legislation would reduce the size of this uninsured population by expanding SCHIP to include an additional 4 million children who currently have no health insurance.

Sending a child to the emergency room is not an alternative to having comprehensive health insurance. Especially at a time when millions of families are facing economic hardships, we must ensure that children have the care they need.

This bill would provide parity for mental health for children. I long have fought for mental health parity, and was pleased that last year we could improve mental health coverage for private insurance plans and Medicare. I am encouraged that we have now extended this to the SCHIP program.

According to the Henry J. Kaiser Family Foundation, more than 45 million Americans lack health care coverage, including more than 16 percent of New Jersey's residents. Many of these Americans are children, the vast majority of whom come from working families. It is simply unconscionable that here in the United States of America millions of children are uninsured. The reauthorization and expansion of the SCHIP program presents an historic opportunity to put an end to the morally unacceptable fact that 8.6 million American children live every day without insurance. It is time for Congress to preserve and expand this program that has proven successful at insuring our nation's most vulnerable children.

The SCHIP program is strongly supported by our state leaders who have managed the State-run programs over the past decade and understand that SCHIP allows States to cover low-income children who lack health insurance in families of the working poor. This bill also would provide the tools needed and create incentives for States to reach the millions of children who are eligible but not currently enrolled in the SCHIP program.

New Jersey uses its SCHIP funds to run a program called FamilyCare. Our State is a leader in extending FamilyCare eligibility. Currently, 50,000 children and approximately 100,000 low income-parents are enrolled in New Jersey's program. Without SCHIP, all of these residents of New Jersey would again be uninsured.

This legislation would allow States like New Jersey to continue to set income eligibility for SCHIP. Because of the cost of living in New Jersey, it is important that our State has the flexibility needed to establish realistic eligibility guidelines.

Additionally, this bill would allow New Jersey to continue to set income eligibility for SCHIP. Because of the cost of living in New Jersey, it is important that our State has the flexibility needed to establish realistic eligibility guidelines.

According to a report by Human Rights Watch entitled “Black January in Azerbaijan,” “among the most heinous violations of human rights during the Baku invasion were the numerous attacks on medical personnel, ambulances, and hospitals.” The report concluded that “indeed the violence used by the Soviet army on the night of January 19–20 . . . constitutes an exercise in collective punishment . . . . The punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in other republics of the Soviet Union.”

In the days after the invasion, thousands of Azerbaijanis surrounded Communist Party headquarters demanding the resignation of the republic's leadership. The Baku City Council demanded that Soviet troops be withdrawn. The Soviet legislature in Azerbaijan condemned the occupation as “unconstitutional” and threatened to call a referendum on secession unless Soviet troops were withdrawn within 48 hours. And, Azerbaijani oil tankers blocked Soviet naval vessels from reaching the Baku harbor.

Soviet troops were eventually withdrawn from Baku, but political control was maintained for almost another 2 years until Azerbaijan's parliament declared independence in October 1991. The Republic of Azerbaijan has maintained its independence for more than 17 years, despite lingering economic and social problems from the Soviet era and the military occupation of 20 percent of Azerbaijan by Armenia. Today, Azerbaijan has developed into a thriving country with double digit growth, in large part due to a freely elected president and parliament, free market reforms led by the energy sector, and, most importantly, no foreign troops on its soil.

While January 20 has been inauguration day in the United States every 4 years since 1937, in Azerbaijan it is the day on which Azerbaijani citizens stood up to Soviet equipment and arms and martyrs gave up their lives for freedom from communism and dictatorship. Indeed, January 20, 1990, in Baku, Azerbaijan, the fate of the Soviet empire was sealed.

THE SAFE COMMISSION: LETTERS TO TREASURY SECRETARY PAULSON

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. WOLF. Madam Speaker, I continue to be deeply concerned about America's mounting deficit spending and Federal debt and have been working for the past several years to engage this administration in embracing a bipartisan plan to reverse course and get our country on a sound and sustainable financial path.

I introduced the SAFE Commission concept for the first time during the 109th Congress on June 7, 2006. In the 110th Congress I teamed with JIM COOPER and introduced the SAFE Commission legislation. A similar Senate effort was led by Budget Chairman KENT CONRAD and ranking member JUDD GREGG.

Following the SAFE bill's introduction, I reached out to Treasury Secretary Paulson and others about getting our fiscal house in order, through more than a dozen letters from July 12, 2007, to April 10, 2008, updating the administration on progress that was being made with the bill. I submit for the RECORD a sample of that correspondence.

I am encouraged with the growing support for the SAFE proposal from leading newspaper editorialists to think tanks to syndicated columnists to business organizations.
remain deeply disappointed that this idea was not embraced by Secretary Paulson. I hope that the Obama administration will understand the urgency for bipartisan action to address this nation’s long-term budget challenges, especially as we deal with the current financial crisis, for the sake of our children and grandchildren.

Hon. Henry Paulson,
Secretary, Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: As you know, Senator Voinovich and I reintroduced the Secure America’s Future Economy (SAFE) Commission Act in January. I wanted to follow up with you and share the enclosed letter I wrote to the president asking that the administration embrace this idea.

I think about our children and grandchildren and it is disheartening that critical issues are falling by the wayside because Congress today is so polarized. I believe that a bipartisan commission operating outside the halls of Congress that would mandate action is the answer to getting our fiscal house in order and diverting financial crisis in this country.

The SAFE Commission bill has 32 cosponsors to date. I am committed to continue working with my colleagues to enact this legislation on a matter of such importance to our nation’s future.

Best wishes,

FRANK R. WOLF, Member of Congress.

Hon. Henry Paulson,
Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: I read your recent comments about reaching the statutory debt limit as early as October. I have always voted for the limit increase but am seriously considering voting against it this year because of the lack of leadership by the administration in taking steps to change the country’s revenue policy. I truly believe that this administration has the ability to change our course.

I am not writing to you today as a Republican or a Democrat, but as a father and grandfather. Lawmakers on both sides of the aisle understand the enormity of this issue and the impact that will be felt for generations to come. It’s disheartening that the partisan political divide in Congress is so consuming that issues with such high stakes continue to languish.

That’s why I have introduced the Securing America’s Future Economy (SAFE) Commission Act, which would establish a bipartisan commission and put everything—entitlements, tax, policy, and other federal spending—on the table for review.

This administration can offer hope and start to remedy our fiscal prognosis, brightening the horizon for our children and their children. It is critical that they have all the opportunities the Greatest Generation made possible for you and me. Our grandchildren should set ambitious goals, and I believe that hard work will be met by opportunity.

We have a moral obligation to address the long-term fiscal challenges ahead. I know you are a good person and want what is best for America. With your leadership and vision, progress can be made.

Best wishes,

FRANK R. WOLF, Member of Congress.

The Cooper-Wolf SAFE Commission has over 50 bipartisan cosponsors including Republican leadership in the House (see enclosed).

I am not writing to you today as a Republican or a Democrat, but as a father and grandfather. Lawmakers on both sides of the aisle understand the enormity of this issue and the impact that will be felt for generations to come.

What will it take for us to address these issues?

The SAFE Commission fits into what this administration claims to stand for and will ensure sound financial footing for generations to come. I have enclosed information on the bill since its reintroduction including a list of current cosponsors.

Please give serious consideration to the SAFE Commission Act.

Best wishes,

FRANK R. WOLF, Member of Congress.

Hon. Henry Paulson,
Secretary, Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: As meritorious as the Administration’s argument is with regard to the $21 billion in discretionary spending it is relatively insignificant compared to the massive entitlement spending problem. It is like comparing a mouse to an elephant.

Our SAFE Commission bill represents all that the President Administration says it cares about, including more than 50 bipartisan cosponsors (see list).

Failing to address this issue is like driving a car toward the edge of a cliff with no brake pedal.

Best wishes,

FRANK R. WOLF, Member of Congress.

Hon. Henry Paulson,
Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: As a follow up to our conversation last week about the SAFE Commission. I want you to know that Roy Blunt has also signed onto the bill.

Hon. Henry Paulson,
Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: As the American economy continues to struggle, it is imperative that we take decisive action to address our nation’s long-term budget challenges, especially as we deal with the current financial crisis.

The measure has gained bipartisan support with over 40 cosponsors—split evenly between Democrats and Republicans from members of the Republican Study Committee to three of the four Blue Dog Coalition co-chairs I believe that support for this measure will continue to grow.

You may have read that the first baby boomer signed up for promised Social Security benefits last week. Our nation’s “long term” deficit problem has arrived.

We should be concerned that last Monday the U.S. dollar hit an all-time low in the wake of a major housing recession and enormous trade deficits. We should care that the value of the dollar has been dropping against the Canadian dollar, the Euro and the Japanese yen.

What will it take for us to address these issues?

The SAFE Commission fits into what this administration claims to stand for and will ensure sound financial footing for generations to come. I have enclosed information on the bill since its reintroduction including a list of current cosponsors.

Please give serious consideration to the SAFE Commission Act.

Best wishes,

FRANK R. WOLF, Member of Congress.

Hon. Henry Paulson,
Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: Between July 18 and December 10, 2007, I wrote to you nine different times about the unsustainable financial path our country is on, and the bipartisan SAFE Commission as a potential way forward to rein in entitlement spending. I have respectfully asked for the administration’s support because of the critical importance of taking action now.

I am deeply troubled that the administration is missing this opportunity to bring about a renaissance in America, giving hope to future generations and ensuring that our children and grandchildren will be able to live in a world where hard work will be met by opportunity.

Best wishes,

FRANK R. WOLF, Member of Congress.

Hon. Henry Paulson,
Department of the Treasury,
Washington, DC.

Dear Secretary Paulson: As meritorious as the Administration’s argument is with regard to the $21 billion in discretionary spending it is relatively insignificant compared to the massive entitlement spending problem. It is like comparing a mouse to an elephant.

Our SAFE Commission bill represents all that the President Administration says it cares about, including more than 50 bipartisan cosponsors (see list).

Failing to address this issue is like driving a car toward the edge of a cliff with no brake pedal.

Best wishes,

FRANK R. WOLF, Member of Congress.
only civil rights but human moral rights for all people as expressed in his own words, “injustice anywhere is a threat to justice everywhere.”

Whereas, 40 years after the passing of Dr. King, we witness on this day the inauguration of Barack Hussein Obama as 44th President of the United States, filled with confidence in the dream of Martin Luther King, Jr., and the prayers and efforts of countless ordinary heroes who believed that this day would one day be possible, expressed in President Obama’s words, “This is your victory!”

Whereas, in my capacity as a member of the United States Congress, I would like to acknowledge these behind the scenes efforts of the United States Congress, I would like to acknowledge these behind the scenes efforts of the United States Congress, I would like to acknowledge these behind the scenes efforts of the United States Congress, I would like to acknowledge these behind the scenes efforts of the United States Congress, I would like to acknowledge these behind the scenes efforts of SGI President Daisaku Ikeda, as an Emissary of Peace and Justice.

HONORING SPECIAL AGENT BENJAMIN KRAMER

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. PRICE of North Carolina. Madam Speaker, the Homeland Security Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Benjamin Kramer, as he begins his next assignment as Special Agent for the U.S. Secret Service. Special Agent Kramer has proven himself to be an energetic and thoughtful contributor to the work of this Subcommittee, bringing with him the experience he has gained with the Secret Service and before that as a criminal investigator with the D.C. Inspector General.

Working as a member of my subcommittee staff, Ben helped the Subcommittee navigate what was often a frenetic path as we crafted our 2009 appropriations bill, and assisted in our work in overseeing the agencies and programs under our jurisdiction. In particular, Ben had lead staff responsibility for oversight of the Department of Homeland Security’s Office of Inspector General.

Ben’s unqualified professionalism, great sense of humor and cool head have helped our Subcommittee and the Congress address a wide range of policy and budgetary challenges. During his time with the Subcommittee, Ben researched issues for various programs, coordinated committee travel, and compiled materials on amendments. Ben also assisted in managing the database of requests to the Committee from Members of Congress, and in preparing for hearings and briefings. I am grateful for his hard work.

Special Agent Kramer has served me, this Subcommittee, and the House well. While we are sorry to see him leave, each of us on the Homeland Security Appropriations Subcommittee wishes Ben all the best as he resumes his Secret Service career, and expect to continue to see great things from him.

CONGRATULATING THE PINK HEALS TOUR FOR BREAST CANCER RESEARCH AND FOUNDER DAVID GRAYBILL

HON. HARRY E. MITCHELL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the Pink Heals Tour, which covered over 10,000 miles in 2008, to support the fight against breast cancer.

Breast cancer occurs in one out of every eight women in our country, and this cross-country tour in a decorated pink fire truck aimed to increase awareness of this disease and to raise funding for cancer research. In particular, this journey reached out to typically male-dominated organizations, such as police and fire departments, to encourage them to wear pink clothing in support of this cause. A second tour is scheduled to begin in the fall of 2009. The upcoming Pink Heals Tour will cross the United States in three pink fire trucks throughout September and October.

I am particularly proud, Madam Speaker, to recognize David Graybill, who founded the Pink Heals Tour to inspire citizens and community leaders to join in local breast cancer fundraising organizations and events. When I taught high school back home in Arizona, David was one of my students. So far, his efforts have had an enormous impact on his community and on millions of people across 21 states and 40 different cities.

Madam Speaker, I urge my colleagues to join me in recognizing the Pink Heals Tour and its founder, David Graybill, for their selfless work to raise awareness and support the fight against breast cancer.

HONORING THE FIRST PARISH UNITARIAN UNIVERSALIST CHURCH OF SCIUTTAE, MA

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the First Parish Unitarian Universalist Church of Scituate, MA on its 375th Anniversary.

The rich spiritual tradition of the First Parish Church dates all the way back to seventeenth-century London, when the Puritan separatist, the Rev. Henry Jacob, joined with others to establish the first non-Anglican church in England. In 1624, Jacob was succeeded by the Rev. John Lothrop, who led a small congregation of Scituate. When the Bishop of London banned religious services, Rev. John Lothrop was arrested and imprisoned in the notorious jail, the Clink.

Upon his release two years later in 1634, Rev. Lothrop and a number of his congregation left England bound for Boston, thrusting for the freedom to worship that the New World promised. On January 8, 1634, Lothrop came together with 11 other men and women to officially form the First Church of Scituate. Rev. Lothrop’s distinguished lineage has included U.S. Presidents, Supreme Court justices, diplomat and prominent businessmen and women.

It is fitting that the anniversary of the Church’s founding falls so close to the day we honor Martin Luther King, Jr., the greatest champion of civil rights and equality our Nation has known. Under strong ministerial and lay leadership, the Church has maintained a steadfast commitment to worship, provided spiritual guidance to parishioners, and sounded a clarion call for justice and human dignity.

In colonial times, the Church’s ministers and laity fought for religious tolerance on behalf of Quakers and Baptists. They spoke out against the shackles of slavery, and provided care for Union soldiers during the Civil War. During the 19th century, Church leaders advocated vociferously for the economic rights of workers. As an integral part of our community and the global public square, the First Parish Church of Scituate has left an indelible mark for generations to come.

On this momentous occasion, I congratulate the Church’s current leader, Rev. Richard M. Stower, and its entire congregation. I wish them all the best for continued success in the years ahead.

EGMONT KEY CELEBRATING 150 YEARS OF “LIGHTING THE WAY” INTO TAMPA BAY

HON. C.W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. YOUNG of Florida. Madam Speaker, the Tampa Bay community I represent celebrated the 150th anniversary of one of the key aids to navigation on all of Florida’s west coast last November, the Egmont Key Lighthouse.

The Lighthouse has a rich history and includes being destroyed once by a major hurricane, being rebuilt and staffed by a long list of dedicated keepers, being the center of civil war intrigue, and now being home to a national wildlife refuge. Throughout its storied history it has stood tall as the only lighthouse between Key West and the Florida Panhandle and marks the entrance to Tampa Bay, one of our Nation’s busiest waterways.

Because its history is so interesting Madam Speaker, I will include, following my remarks a column from the Tampa Bay Soundings newspaper by Captain Richard Johnson, the past President of the Egmont Key Alliance. He and the members of the alliance have not only worked hard to share the history of Egmont Key and the Lighthouse, but also to preserve structures on the island. Also I will include with my remarks further information about the legacy of Egmont Key from the Web site LighthouseFriends.com.

Madam Speaker, we continue to protect Egmont Key and the lighthouse, which was added to the Register of National Historic Places in 1978, by providing Federal funds to renovish the shoreline surrounding the island and by studying a way to provide a long-term solution to protect the island’s original building.

In the meantime, the Egmont Key Lighthouse will continue its mission to ensure the safe navigation along the Gulf of Mexico and...
into Tampa Bay just as it has throughout the past 150 years. Please join me in thanking all those who have served to keep its beacon lit and who continue to serve today with President Jim Spangler and the Egmont Key Alliance to keep its history alive and its structures sound.

LIGHTING THE WAY: THE EGMONT KEY LIGHTHOUSE, TAMPA BAY SOURCES

(By Captain Richard Johnson)

It has been 150 years since light keeper Sherrod Edwards first carried cans of lamp oil up the spiral staircase of the lighthouse on Egmont Key. A magnet for visitors, this magnificent brick tower, rebuilt “to withstand any storm” after a hurricane in the late 1840s, still stands guard at the entrance to Tampa Bay, welcoming ship pilots.

The 71-foot-high lighthouse has been vital to the safety of commerce on Florida’s west coast for more than a century. First constructed in 1848 to support commercial trade along the nation’s Gulf Coast, it was the only lighthouse between the Panhandle and Key West. While guiding ships along the coast, the tower led the entrance to the increasingly important port of Tampa.

The first lighthouse was built with brick and concrete and was located about 2 miles southeast of the original structure on the north end of the island. The keeper’s house, also brick, was constructed nearby for Edwards and his family. The lighthouse was first lit in 1848. It was never decommissioned and stands today as a monument to the men and women who continue to serve today with President Jim Spangler and the Egmont Key Alliance to keep its history alive and its structures sound.

Over the years, numerous improvements were made to the light station and the dock was rebuilt several times. Almost every recorded annual report to the Lighthouse Board includes some reference to repairs, improvements or rebuilding, mostly to mitigate damage from storms.

The life of the lighthouse keeper was not easy. For the most part, the light keeper, his assistant, and their families were isolated from people on the island. Bulk supplies like oil for the light were brought in just once a year, and the families raised much of their own food, while traveling by small boat to Bradenton or Tampa for other supplies.

Maintaining a lighthouse with an oil lamp required constant attention to trimming and adjusting wicks, cleaning the chimneys and lenses, and washing the windows of the lantern room. While the light was bright and well-focused for an oil lamp, it was not nearly as powerful as the light produced by an aircraft-style rotating beacon replaced the original oil lamp. Illumination surged to over 200 people. For the past several years, Christmas lights have been placed on the island to commemorate the 150th birthday of the Egmont Key Lighthouse.

In 1898, during the Spanish-American War, Fort Dade, part of a comprehensive coastal defense system, was constructed on the island. Named for the army commander, who along with his detachment, was killed by Seminole Indians in 1835, the fort, along with Fort DeSoto on Mullet Island to the north, stood watch over the entrance to Tampa Bay. The fort was staffed during World War II as well, and by the time it was deactivated in 1933, a movie theater, bowling lanes, and miles of brick roads were found on the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCH-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper’s dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in 1989 when the present optic, a DCB-24 Rotating Becont was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.

On November 8, 2008, a celebration was held on the island to commemorate the 150th birthday of the Egmont Key Lighthouse. In preparation for the event, the lighthouse received a new coat of paint and lights were added to the Tampa Bay Rough Riders and volunteers from the Coast Guard. A new plaque was unveiled at the base of the lighthouse during the festivities, and birthday cake was served to over 200 people. For the past several years, Christmas lights have been placed on

CURTAINSG HANG FROM DAWN UNTIL DUSK TO PREVENT DISCOLORATION OF THE LENS GLASS.

In 1899, the Coast Guard took over the lighthouse service and converted the newer lighthouse into a small, self-contained living quarters for the light-keeper and his family. A few years later, the lighthouse was revamped. With the upper portion of the brick tower deteriorating, the tower was trimmed severely, equipped with a new lens, and an aircraft-style rotating beacon replaced the original oil lamp. Illumination surged from 3,000 candlepower to 175,000 candlepower, visible on a clear night from as far as 22 miles away.

But it wasn’t until the late 1860s that the lighthouse was fully automated by the Coast Guard personnel. The light was re-designed. It was likely due to Walker’s plan that the tower survived the storm. The lighthouse was subsequently replaced by a taller and more modern light in the tower. In 1854, a concrete pad was poured around the base of the tower, but by 1856, it was apparent that a replacement tower was necessary.

A new tower, twice as tall as the original, was completed in 1857 near the northern end of Egmont Key, and probably ninety feet in height. The first tower, which was replaced by the present light, was replaced in 1860 as a fixed-light produced by a third-order Fresnel lens was exhibited from a focal plane of eighty-six feet starting in 1856.

In 1898, during the Spanish-American War, keeper George V. Rickard found himself caught in a struggle for control of the lighthouse. The keeper in Key West was loyal to the Union, while the keeper at Marks Island, located west of Tampa, was a Confederate sympathizer. Rickard foisted allegiance to Union blockaders near the island, until their absence allowed him to flee the island. After crating up the Fresnel lens, he returned to Tampa with the lens and as many supplies as he could transport.

The lighthouse soon fell under Union control and was reactivated using a makeshift light. After the war, a fourth-order lens was used until 1893, when it was replaced by a third-order lens with a red sector.

In 1888, during the Spanish-American War, Fort Dade, part of a comprehensive coastal defense system, was constructed on the island. Named for the army commander, who along with his detachment, was killed by Seminole Indians in 1835, the fort, along with Fort DeSoto on Mullet Island to the north, stood watch over the entrance to Tampa Bay. The fort was staffed during World War II as well, and by the time it was deactivated in 1933, a movie theater, bowling lanes, and miles of brick roads were found on the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCH-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper’s dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in 1989 when the present optic, a DCB-24 Rotating Beacon was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCH-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper’s dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in 1989 when the present optic, a DCB-24 Rotating Beacon was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.

On November 8, 2008, a celebration was held on the island to commemorate the 150th birthday of the Egmont Key Lighthouse. In preparation for the event, the lighthouse received a new coat of paint and lights were added to the Tampa Bay Rough Riders and volunteers from the Coast Guard. A new plaque was unveiled at the base of the lighthouse during the festivities, and birthday cake was served to over 200 people. For the past several years, Christmas lights have been placed on

CURTAINSG HANG FROM DAWN UNTIL DUSK TO PREVENT DISCOLORATION OF THE LENS GLASS.

In 1899, the Coast Guard took over the lighthouse service and converted the newer lighthouse into a small, self-contained living quarters for the light-keeper and his family. A few years later, the lighthouse was revamped. With the upper portion of the brick tower deteriorating, the tower was trimmed severely, equipped with a new lens, and an aircraft-style rotating beacon replaced the original oil lamp. Illumination surged from 3,000 candlepower to 175,000 candlepower, visible on a clear night from as far as 22 miles away.

But it wasn’t until the late 1860s that the lighthouse was fully automated by the Coast Guard personnel. The light was re-designed. It was likely due to Walker’s plan that the tower survived the storm. The lighthouse was subsequently replaced by a taller and more modern light in the tower. In 1854, a concrete pad was poured around the base of the tower, but by 1856, it was apparent that a replacement tower was necessary.

A new tower, twice as tall as the original, was completed in 1857 near the northern end of Egmont Key, and probably ninety feet in height. The first tower, which was replaced by the present light, was replaced in 1860 as a fixed-light produced by a third-order Fresnel lens was exhibited from a focal plane of eighty-six feet starting in 1856.

In 1898, during the Spanish-American War, keeper George V. Rickard found himself caught in a struggle for control of the lighthouse. The keeper in Key West was loyal to the Union, while the keeper at Marks Island, located west of Tampa, was a Confederate sympathizer. Rickard foisted allegiance to Union blockaders near the island, until their absence allowed him to flee the island. After crating up the Fresnel lens, he returned to Tampa with the lens and as many supplies as he could transport.

The lighthouse soon fell under Union control and was reactivated using a makeshift light. After the war, a fourth-order lens was used until 1893, when it was replaced by a third-order lens with a red sector.

In 1888, during the Spanish-American War, Fort Dade, part of a comprehensive coastal defense system, was constructed on the island. Named for the army commander, who along with his detachment, was killed by Seminole Indians in 1835, the fort, along with Fort DeSoto on Mullet Island to the north, stood watch over the entrance to Tampa Bay. The fort was staffed during World War II as well, and by the time it was deactivated in 1933, a movie theater, bowling lanes, and miles of brick roads were found on the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCH-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper’s dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in 1989 when the present optic, a DCB-24 Rotating Beacon was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.
the tower by volunteers from the Egmont Key Alliance to bring a little holiday cheer to the island.

100 YEARS WELL SPENT—MARTIN WISENBAKER TURNS 100 YEARS OLD

HON. TED POE OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 15, 2009

Mr. POE of Texas. Madam Speaker, this Saturday in Humble, TX, the eight children, numerous grandchildren and great-grandchildren of Martin Lewis Wisenbaker are celebrating his 100th birthday. This Texan has played many roles in his accomplished life including athlete, farmer, deacon, husband, and father and he doesn't seem to be slowing down anytime soon.

Martin Wisenbaker was born in Graham, TX on January 17, 1909, and by the age of 16 he had settled in Humble, TX. He started out working in the rice fields of southeast Texas until he was hired by Hughes Tool in 1929.

Just 4 years later Martin met the woman he would marry and spend his life with, Miss Wesley Belle Lee. Over the years they had eight children, including two sets of twins. In addition to his job at Hughes Tool, Martin had his own dairy farm and sold milk to local families.

In 1944 the family joined the First Baptist Church in Humble. Martin would go on to be baptized in the church and even serve as a deacon starting in 1960. Even with all of his commitments, Martin still found time to pursue another passion: sports. You could find him playing tennis or baseball and he even won a local tennis tournament and played 3rd base for the company baseball team.

After 38 years with Hughes Tool, Martin retired at the age of 62. His retirement years were spent with the church bowling league. Over the years Martin added numerous bowling trophies to his tennis and baseball awards.

In July of 2008 Martin lost his wife, Wesley, just after their 74th anniversary. They spent their last days together in the Park Manor facilities in Humble, where he still resides.

Madam Speaker, on Saturday that room will be filled with Martin Wisenbaker's loved ones who are no doubt celebrating the life of a great man who was born before the Titanic sailed, experienced the Great Depression, saw the first Olympic Games, lived through two world wars, entered the new millennium and watched as the U.S. was attacked by terrorists on September 11, 2001.

I want to commend Mr. Wisenbaker on a long life of hard work and service to his community. Congratulations to him and his family on this extraordinary achievement.

After winning many times over at the Senior Olympics and a bowl of 200 on his 92nd birthday, Martin was forced to give up the sport when he was 99 years old due to knee problems.
HIGHLIGHTS

Senator-Elect Roland Burris, of Illinois, was administered the oath of office by the Vice President.

Senate

Chamber Action

Routine Proceedings, pages S401–S631

Measures Introduced: Twenty-three bills and one resolution were introduced, as follows: S. 251–273, and S. Res. 14.

Measures Passed:

Lands Bill: By 73 yeas to 21 nays (Vote No. 3), Senate passed 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, after taking action on the following amendments proposed thereto: Pages S419–S557

Adopted:

Bingaman/Murkowski Amendment No. 23, to improve the bill.

Bingaman/Murkowski Amendment No. 24, to make certain technical corrections.

Withdrawn:

Reid Amendment No. 15, to change the enactment date.

Reid Amendment No. 16 (to Reid Amendment No. 15), of a perfecting nature.

During consideration of this measure on Wednesday, January 14, 2009, Senate also took the following action:

Motion to recommit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid Amendment No. 17, to change the enactment date, fell when cloture was invoked on the bill.

Reid Amendment No. 18 (to the instructions of the motion to recommit), of a perfecting nature, fell when the motion to recommit fell.

Reid Amendment No. 19 (to Reid Amendment No. 18), of a perfecting nature, fell when Reid Amendment No. 18 fell.

Senate Staff Transition Funding: Senate agreed to S. Res. 14, to provide funding for Senate staff transitions. Page S630

Ralph Regula Federal Office Building and Courthouse: Senate passed S. 273, to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the “Ralph Regula Federal Office Building and Courthouse”.

Measures Failed:


Measures Considered:

Lilly Ledbetter Fair Pay Act—Cloture: Senate began consideration of S. 181, 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, after agreeing to the motion to proceed to consideration thereto, taking action on the following amendments proposed thereto: Pages S588–90

Pending:

Hutchison Amendment No. 25, in the nature of a substitute. Page S588

During consideration of this measure today, Senate also took the following action:

By 72 yeas to 23 nays (Vote No. 4), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion
to close further debate on the motion to proceed to consideration of the bill.

Senator Salazar Farewell Remarks—Agreement: A unanimous-consent agreement was reached providing that on Friday, January 16, 2009, Senator Salazar be recognized to speak in order to give his farewell remarks.

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared on January 23, 1995, with respect to foreign terrorists who threaten to disrupt the Middle East peace process; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–3) Page S597

Transmitting, pursuant to law, the 2009 National Drug Control Strategy; which was referred to the Committee on the Judiciary. (PM–4) Page S597

Transmitting, pursuant to law, a report on the continuation of the national emergency relating to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–5) Page S597

Transmitting, pursuant to law, the Agreement Between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations; which was referred to the Committee on Foreign Relations. (PM–6) Pages S597–98

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Tax Convention with Malta (Treaty Doc. No. 111–1).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Three record votes were taken today. (Total—5) Pages S430, S559, S587

Adjournment: Senate convened at 10 a.m. and adjourned at 8:32 p.m., until 10 a.m. on Friday, January 16, 2009. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S631.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded hearings to examine the nominations of William J. Lynn III, to be Deputy Secretary, who was introduced by Senator Reed, Robert F. Hale, to be Under Secretary (Comptroller) and Chief Financial Officer, Michele Flournoy, to be Under Secretary for Policy, who was introduced by Representative Skelton, and Jeh Charles Johnson, to be General Counsel, who was introduced by Senator Menendez, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Mary Schapiro, of New York, to be Chairman of the Securities and Exchange Commission, who was introduced by Senators Reed and Schumer, Christina Romer, of California, to be Chair of the Council of Economic Advisors, Austan Goolsbee, of Illinois, who was introduced by Senator Durbin, and Cecilia Rouse, of New Jersey, who was introduced by Senator Menendez, each to be a Member of the Council of Economic Advisors, and Daniel Tarullo, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System, who was introduced by Senator Dodd, after the nominees testified and answered questions in their own behalf.

DEBT OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the debt outlook and its implications for policy, after receiving testimony from Richard Berner, Morgan Stanley, and Allen Sinai, Decision Economics, Inc., both of New York, New York; and Douglas Holtz-Eakin, DHE Consulting, LLC, of Arlington, Virginia.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Ken Salazar, to be Secretary of the Interior, after the nominee, who was introduced by Senator Mark Udall and Representative John Salazar, testified and answered questions in his own behalf.
BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill to reauthorize the Children’s Health Insurance Program.

Also, committee adopted its rules of procedure for the 111th Congress.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Susan E. Rice, to be Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations, after the nominee, who was introduced by Senators Bayh and Collins, testified and answered questions in her own behalf.

NOMINATION

Committee on Foreign Relations: Committee ordered favorably reported the nomination of Hillary R. Clinton, to be Secretary of State.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Janet A. Napolitano, to be Secretary of Homeland Security, after the nominee, who was introduced by Senators McCain and Kyl, testified and answered questions in her own behalf.

HEALTH INFORMATION TECHNOLOGY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine investing in health information technology (IT), focusing on stimulus for a healthier America, after receiving testimony from Valerie C. Melvin, Director, Human Capital and Management Information Systems Issues, Government Accountability Office; John H. Cochran, The Permanente Foundation, Oakland, California, on behalf of the Kaiser Permanente Medical Care Program; Janet Corrigan, The National Quality Forum, and Mary R. Grealy, Healthcare Leadership Council, both of Washington, D.C.

ECONOMIC STIMULUS

Committee on Indian Affairs: Committee concluded a hearing to examine job creation and economic stimulus in Indian country, after receiving testimony from Robert Middleton, Director, Office of Indian Energy and Economic Development, Bureau of Indian Affairs, and Jack Rever, Director, Facilities Management and Improvement, both of the Department of the Interior; Jackie Johnson-Pata, National Congress of American Indians, Robin Butterfield, National Indian Education Association, and Reno Franklin, National Indian Health Board, all of Washington, D.C.; and Julie Kitka, Alaska Federation of Natives, Anchorage, on behalf of the National Indian Health Board.

NOMINATION

Committee on the Judiciary: Committee held a hearing to examine the nomination of Eric H. Holder, to be Attorney General of the United States, the nominee, who was introduced by former Senator John Warner and Representative Norton, testified and answered questions in his own behalf.

Hearings recessed subject to the call and will meet again on Friday, January 16, 2009.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 51 public bills, H.R. 547–597; and 11 resolutions, H.J. Res. 18–19; H. Con. Res. 22–23; and H. Res. 66–72, were introduced. Pages H379–82

Additional Cosponsors: Page H382

Reports Filed: There were no reports filed today.

TARP Reform and Accountability Act of 2009: The House resumed consideration of H.R. 384, to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, which began on Wednesday, January 14th. Further proceedings were postponed. Pages H335–67

Accepted:

Matsui amendment (No. 2 printed in H. Rept. 111–3) that provides a sense of Congress stating that TARP participants, who receive from future TARP funds, should not initiate a foreclosure proceeding or foreclosure sale on any principal homeowner until the new systematic loan modification plan is implemented and deemed fully operational by the Secretary and Chair of FDIC; Pages H355–57

Frank (MA) amendment (No. 1 printed in H. Rept. 111–3) that makes sundry clarifications with respect to the use of TARP funds (by a recorded vote of 275 ayes to 152 noes, Roll No. 19); and Pages H345–55, H365

Patrick Murphy (PA) amendment (No. 7 printed in H. Rept. 111–3) that requires the Federal Reserve to disclose detailed information regarding the Federal Reserves Mortgage-Backed Securities purchase program (by a recorded vote of 426 ayes with none voting “no”, Roll No. 22). Pages H363–65, H367

Rejected:

Hensarling amendment (No. 3 printed in H. Rept. 111–3) that would have removed the Secretary’s authority to delegate an observer to attend meetings of the board of directors of any assisted institution (by a recorded vote of 151 ayes to 274 noes, Roll No. 20) and Pages H357–59, H365–66

Bachmann amendment (No. 5 printed in H. Rept. 111–3) that would have eliminated changes and additional funding for the HOPE for Homeowners program (by a recorded vote of 142 ayes to 282 noes, Roll No. 21). Pages H360–63, H366–67

Withdrawn:

Holt amendment (No. 4 printed in H. Rept. 111–3) that was offered and subsequently withdrawn that sought to amend the EESA to require that, provided TARP funds are not used for their purchase, the Secretary shall facilitate an auction of troubled assets by third party purchases and, if such auction does not take place within 3 months from enactment, the Secretary must report to Congress on the mechanism the Secretary deems best to use to value and liquidate such assets. Pages H359–60

H. Res. 62, the second rule providing for consideration of the bill, was agreed to by voice vote after agreeing without objection to order the previous question. Pages H329–35

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20th. Page H369

Permanent Select Committee on Intelligence—Appointment: The Chair announced the Speaker’s appointment of the following Member of the House of Representatives to the Permanent Select Committee on Intelligence: Representative Rogers (MI). Page H374


Read a message from the President wherein he notified Congress that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–8). Page H370

Read a message from the President wherein he notified Congress that the emergency declared with respect to the Government of Cuba’s destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996 is to continue in effect beyond March 1, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–8). Page H378

Read a message from the President wherein he transmitted an Agreement between the Government of the United States and the Government of the Russian Federation Extending the Mutual Fisheries Agreement—referred to the Committee on Natural Resources. Page H378
Quorum Calls—Votes: Four recorded votes developed during the proceedings of today and appear on pages H365, H366, H366–67, and H367. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:53 p.m.

**Committee Meetings**

**U.S. CLIMATE ACTION PARTNERSHIP**

*Committee on Energy and Commerce:* Held a hearing entitled “The U.S. Climate Action Partnership.” Testimony was heard from public witnesses.

**COMMITTEE ORGANIZATION**

Committee on Transportation and Infrastructure: Met for organizational purposes.

**REINVIGORATING THE ECONOMY THROUGH ECONOMIC STIMULUS LEGISLATION**

Select Committee on Energy Independence and Global Warming: Held a hearing on “Reinvigorating the Economy through Stimulus Legislation: Opportunities for All.” Testimony was heard from Michael Nutter, Mayor, Philadelphia, Pennsylvania; Douglas Palmer, Mayor, Trenton, New Jersey; and public witnesses.

Prior to the hearing, the Committee met for organizational purposes.

**Joint Meetings**

No joint committee meetings were held.

---

**COMMITTEE MEETINGS FOR FRIDAY, JANUARY 16, 2009**

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on the Judiciary: to continue hearings to examine the nomination of Eric H. Holder Jr., to be Attorney General of the United States, 10 a.m., SD–226.

**House**

No committee meetings are scheduled.
Extensions of Remarks, as inserted in this issue

HOUSE
Adler, John H., N.J., E97
Berkley, Shelley, Nev., E95
Blumenauer, Earl, Ore., E102
Carson, Andre´, Ind., E93, E99
Castle, Michael N., Del., E99
Cohen, Steve, Tenn., E102
Davis, Danny K., Ill., E97
Delahunt, William D., Mass., E104
Ehlers, Zach, Mich., E97
Harman, Jane, Calif., E100
Hastings, Alcee L., Fla., E97
Herseth Sandlin, Stephanie, S.D., E96
 Holt, Rush D., N.J., E100, E101
Johnson, Henry C. "Hank," Jr., E103
Kingston, Jack, Ga., E96
Lowey, Nita M., N.Y., E94
McCollum, Betty, Minn., E96, E96, E103
McHugh, John M., N.Y., E96
Manzullo, Donald A., Ill., E98
Miller, George, Calif., E99
Mitchell, Harry E., Ariz., E104
Ortiz, Solomon P., Tex., E95
Petri, Thomas E., Wisc., E96
Poe, Ted, Tex., E106
Price, David E., N.C., E104
Rahall, Nick J., II, W.Va., E90
Sanchez, Loretta, Calif., E95
Schiff, Adam B., Calif., E94
Sherman, Brad, Calif., E101
Stark, Fortney Pete, Calif., E100
Sullivan, John, Okla., E102
Wolf, Frank R., Va., E102
Woolsey, Lynn C., Calif., E94
Young, C.W. Bill, Fla., E104

GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1262. The Team’s hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

Congressional Record
The Congressional Record (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶ Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1262. The Team’s hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶ The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.