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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 17, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER) for 5 minutes.

Mr. BOEHNER. I welcome my colleagues to St. Patrick's Day and I hope everyone has a happy one.

Madam Speaker, we are 2 months into this Congress, and Washington has done nothing to ease the economic challenges facing middle class families and small businesses.

We've watched the administration approve another $350 billion for more bailouts for the financial industry, and we've watched passage of a trillion-dollar ''stimulus'' bill, and then we've watched the passage of a $410 billion omnibus bill loaded with some 9,000 unscrutinized earmarks.

Soon we are going to debate the President's budget, a budget which spends too much, taxes too much, and borrows too much from our kids and our grandkids. This budget raises taxes on everyone, from middle class families to small businesses, to seniors and to schools. It even punishes anyone who would have the audacity to flip on a light switch thanks to a brand new $646 billion energy tax. This means less money in the family budget and more jobs being shipped overseas.

The American people are looking for real solutions that will help create jobs, rebuild savings, and create more investment in our economy. And in spite of what some disingenuous political operatives are saying, Republicans are offering better solutions.

So far this year, we've presented clear, superior alternatives to Washington Democrats' flawed proposals. We've asked the administration for an exit strategy to get the government back out of the private sector and get taxpayers off the hook for more billions in handouts to the financial sector. Our whip, ERIC CANTOR, and I personally delivered to the President an economic recovery plan that would create twice as many jobs as the Democrats' plan at half the cost. And we fought for a spending freeze as the majority fought for their bloated $410 billion omnibus spending bill.

Listen, the American people are fed up with what they're seeing here in Washington. Don't they deserve to keep more of what they earn as we try to get this economy back on track? Don't they deserve better solutions than the spending, taxing, and borrowing that they're seeing out of this Congress?

Republicans are offering better solutions, and we hope the majority will join us.

THE CONTINUED NEED FOR HEALTH REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. I would like to just take this opportunity to wish all of my colleagues and the American people, particularly my constituents, a happy St. Patrick's Day.

Madam Speaker, I rise today to speak on an issue that continues to be a top priority for American families and businesses, one that is fundamentally intertwined with the strength of our Nation's economy and the government's long-term fiscal sustainability. I'm speaking, of course, about the need for health care reform.

Health care costs in the United States are rising at an alarming rate. Yet despite the fact that we spend more per capita on health care than any other industrialized country, we produce some of the worst outcomes by a number of important health measures. Furthermore, the U.S. remains the only developed nation that does not guarantee health coverage as a right to its citizens.

Recent estimates indicate that over 45 million Americans lack health insurance, leaving one in six without access to proper medical care. Even more shocking is that over 80 percent of the uninsured come from working families. Health care costs are imposing an increasing burden on families and placing employers at a further competitive disadvantage in our global economy.

Now, as we seek to unfurl the complex economic challenges facing our country, it remains abundantly clear that our success will not only depend on our ability to stem housing foreclosures and create new jobs; it will also depend on our will to change a system of health care that is fundamentally flawed and under tremendous strain.

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According to Dr. Peter Orszag, the Director of the Office of Management and Budget, in his recent testimony before the Housing Budget Committee on which I sit, ''the single most important step we could take to put this Nation back on a path to fiscal responsibility is to address rising health care costs.'' He further stated that ''health care is the key to our fiscal future. We cannot afford inaction.''

I could not agree more, Madam Speaker. But this is not just an economic or a fiscal imperative; it is also a moral one. For many years I have continually heard from Rhode Islanders who are struggling to pay their share of health care premiums, as well as from businesses that can no longer afford to operate under the existing system. Those constituents who are fortunate to have access to health insurance are struggling in the face of increasingly daunting costs, while many of them are afraid, of course, that they will lose the benefit altogether.

Now, this cannot simply continue any longer, and I am very pleased that within the last 2 months, this Congress and President Obama have already taken extraordinary steps to begin addressing these challenges by expanding coverage and investing in innovative technologies that will ensure better treatments and outcomes for the future.

On February 4 Congress passed and the President enacted a bill to provide health coverage to 11 million low-income children through SCHIP, the State Children's Health Insurance Program, which I was proud to support. Also included in the Recovery Act were a number of important measures to provide additional funding to State Medicaid programs, extend health benefits to the unemployed, and ensure proper investment into health information technology so that we can achieve higher quality care with greater efficiency.

As recently as last week, President Obama signed an executive order lifting the ban on Federal funding for embryonic stem cell research, an act, I believe, will fundamentally alter the course of science and medicine in the same manner as did the discovery of the first vaccine or X-rays or other significant medical discoveries.

We have made amazing strides in a short period of time, but there is obviously so much more work to be done. I believe it is incumbent upon us, as policymakers, to offer a new vision for health care in America, one that contains costs, improves quality, increases efficiency, promotes wellness, guarantees universal coverage, and encourages investment in treatments and cures for the 21st century.

Madam Speaker, I look forward to working with my colleagues in Congress, the President, health care providers, community advocates, business leaders, families, and patients across the country to find real solutions that permanently address the longstanding need to health reform in America.

HONK IF YOU'RE PAYING MY MORTGAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, I have been asked to present more than 6,000 postcards that were generated by the Armstrong and Getty radio show to protest policies that can best be described by the new bumper sticker ''Honk if You're Paying My Mortgage'' or today's reprise ''Honk if You're Paying AIG's Bonuses.''

These postcards represent the first stirring of the public against some of the excesses that we are seeing out of this administration on the mortgage issue.

Rick Santelli of CNBC struck a nerve last month when he asked, ''How many of you want to pay your neighbor's mortgage who has an extra bathroom and can't pay their bills?'' Jack Armstrong and Joe Getty, who host the popular radio talk show in Northern California, asked the same question of their listeners. And here's their response:

On each of these thousands of postcards is the story of a responsible family struggling to make ends meet in the worst recession in a generation, families who are meeting their obligations, who are staying current with their mortgages, even though many of them are upside down on their home values and owe more than their home is worth. And they're watching as this government says to borrowers who lied on their applications, who put no money down and accepted teaser rates, and who withdrew all of the equity of their home to pay for stuff, don't worry, we'll force your neighbor to pay your mortgage.

They're watching as this government says to lenders like AIG who knowingly made loans to people they knew couldn't afford them, who made millions creating the housing bubble, don't worry, we'll cover your million dollar bonuses with taxpayer money.

But the families who sent in these postcards keep making their payments, many eating into their savings, foregoing vacations, postponing retirements, turning down consumer purchases because they stand by their word. These are the families that turned down the opportunity to flip that house, to make that quick fortune, to cash in on their equity for a second home or a boat they couldn't afford. They are the 92 percent of borrowers who are making their mortgage payments, despite all of the incentives that this administration's offering them to stop. And these postcards are eloquent testimony to their resentment at being required to bail out the banks and the borrowers who created the housing bubble, who caused the credit collapse, and who now are being subsidized, bailed out, and lavished with multi-million dollar bonuses paid for with our tax money.

Joe Getty asked the question yesterday, ''What has happened to the words 'sadder but wiser'? What has happened to that American tradition that you make your own decisions, good or bad, and then you live with those decisions?''

The President tells us that if your neighbor's home is on fire, you don't quibble over who pays for the water. And that's true. But as Jack Armstrong pointed out, if my neighbor burns down his house by shooting off Roman candles in his living room, I'll be darned if I'm going to pay for him to rebuild it.

Armstrong and Getty, Rick Santelli, and others are speaking for the vast silent majority of Americans who pay their bills, who honor their commitments, and who make this country run.

The President recently said that we are all to blame. Well, no, we not all to blame. Those families who passed up the get-rich-quick real estate seminars and turned down the loans they couldn't afford or settled for a smaller home or who rented because that's what they could afford, they're not to blame, and they shouldn't be left holding the bag.

Ninety-two percent of Americans are making their mortgage payments not only because it's the right thing to do, but because they know that the sooner the market corrects itself, the sooner our homes will begin to appreciate once again.

By prolonging the real estate correction, by propping up bad loans, by undermining responsible homeowners, and by rewarding the smartest guys in the room who created this catastrophe with taxpayer-paid bonuses, this government is extending the agony and postponing the day when the market will bottom out and home buyers can safely re-enter the housing market.

Madam Speaker, I take great hope from the public's response to Armstrong and Getty's invitation to protest the mortgage bailouts. It means that the American spirit is not dead, that there are still millions of Americans who believe in individual responsibility and integrity. And even if such people are in short supply in Washington today, they still comprise the vast majority of our Nation, and that great silent majority is fast tiring of remaining silent.

CENSUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY) for 5 minutes.

Mr. MCHENRY. Madam Speaker, tomorrow the President's nominee for Commerce Secretary will have his confirmation hearing in the Senate.

Gary Locke, the former Governor of Washington State, is the third nominee for this Cabinet position. As you recall, the second nominee, Senator JUDD GREGG, withdrew his name from consideration.

Senator GREGG objected to the President's intention to move control of the Census Bureau from the Commerce Department into the White House. This unprecedented move to politicize the 2010 Decennial Census has met with strong opposition from across the political spectrum. The Obama administration has since backtracked and attempted to downplay its role regarding the census. To his credit, Governor Locke has expressed his intention to not cede control of the 2010 census to the White House should he be confirmed.

I have encouraged our colleagues in the Senate Commerce Committee to ask Governor Locke several important questions at tomorrow's hearing, two of which are: What would he consider to be an inappropriate political interference from the White House regarding the census, and how would he respond to attempts from the White House to exert political influence over the conduct of the census?

□ 1045

I suspect that Governor Locke's responses to these questions will determine his fate in the Senate.

But there is a second and equally important point of contention and controversy over the census. The statistical adjustment of census data is prohibited by Federal law. However, there are some partisans who refuse to give up the cause of data manipulation. They want to manipulate the census results for political gain, for their own political gain, and, in the process, undermine the integrity of the country's entire statistical system.

I hope that our colleagues in the Senate will question Governor Locke about his thoughts regarding statistical adjustment. Governor Locke expressed his willingness to use adjustment as an ''accuracy check.'' This comment must be expanded upon for members of the Senate Commerce Committee and all interested parties. Republicans and Democrats alike must truly guard the integrity of the constitutionally-mandated census in the United States. The appropriate allocation of Federal funds depend upon an accurate census.

My colleagues and I on the Census Subcommittee, of which I am the ranking member, are working to ensure that the 2010 Decennial Census is apolitical, fair and accurate. Governor Locke's confirmation should rest upon whether he shares this goal; a census free of White House political pressure and partisan influence and free of manipulation, and data manipulation in particular.

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.

PRESENTING A PROPER BUDGET FOR AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, just a few moments ago the President of the United States made a press statement in which he outlined parts of his budget and then challenged the Republicans, or those who might oppose his budget, to come up with alternatives. Well, let me say in the spirit of St. Patrick, as a great descendant of the Irish aisle, I accept that challenge. I accept that challenge on behalf of my colleagues on this side of the aisle, but also on behalf of my constituents.

When I was home this weekend, I heard from many of them. In fact, I continued to hear from them on the plane ride back from Sacramento here to Dulles Airport. They said, please tell the President this: Let's get our priorities straight. Fix the financial system first. Get the economy working right. Then we will talk about your other ideas.

So I would say to the President, the better idea that I have from my constituents back home is set your sights on righting the financial institutions in America.

Now, what we have heard from the President by and large is well, it is somebody else's fault. It was the fault of the previous administration. And there may be some truth to that. But let's remember, for instance, with AIG it was Treasury Secretary Geithner who negotiated that deal with AIG. It was this administration that allowed something like $30 billion to go to AIG just recently without any strings attached.

Let's focus on the situation we have with respect to our financial institutions first. The President tells us we have to do all these other things first. Well, as Warren Buffett said the other day, he doesn't think Franklin Delano Roosevelt said on the day after Pearl Harbor, ''What a great opportunity for us to expand government. We shouldn't let this crisis be wasted.''

Let's not listen to some around the President who say that a crisis like this gives us a great opportunity to do all of the things we have wanted to do with respect to government. Let's get down to the basics.

So let's talk about the budget that the President has presented to us. It increases spending by $1 trillion over the next decade. It includes an additional $250 billion placeholder for another financial bailout. It likely leads to a 12 percent increase in discretionary spending. It permanently expands, makes larger, the Federal Government by nearly 3 percent of the gross domestic product over pre-recession levels. In other words, the answer to big government and big spending and big taxing and big borrowing is more big government, big spending, big taxes and big borrowing.

It raises taxes on all Americans by $1.4 trillion over the next decade. It raises taxes on 3.2 million taxpayers by an average of $300,000 over the next decade.

The President said look, he is going to raise taxes on the rich, but 95 percent of Americans are going to get a better deal. Well, guess what? His cap-and-trade plan, if adopted, is a cap-and-tax plan. He calls it cap-and-trade. It actually is cap-and-tax, because it increases the cost of anything basically produced by fossil fuels in America. That means your air conditioning, that means your heating, that means your transportation. That means it is going to be placed into the cost of food being developed, of food being delivered to us. It is going to wipe out any suggested tax relief that the average family gets, and more. And the average family uses these things as a higher percentage of these income than do the rich, therefore they will be disproportionately impacted.

So, Madam Speaker, let's look at what the President has presented. I love his melodious tones as he explains to us he is not for more spending, he is not for more taxes, he is not for more borrowing, he is not for expansion of entitlement programs. But his budget does precisely all of those things. It is a net increase in taxes on every American. It is an increase in spending. It is an increase in borrowing on my children and my grandchildren and everyone's children and grandchildren. It is the greatest transfer of wealth from one generation to another in the history of the United States.

Madam Speaker, you don't have to dislike a President of the United States personally, you don't have to dislike what he is trying to do, to dislike his policies, particularly if they undercut the very promises he is making, if they undercut the very things he says we want to do. We stand ready to join him. We stand ready to join him in meeting the goals that he sets up. But, Madam Speaker, this budget taxes too much, spends too much, borrows too much. It is in fact a repudiation of the very goals he has established.

THE PRESIDENT'S BUDGET AND TAXES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, I also come down to the floor to talk about the President's budget, and I am going to focus on the issue of taxing. There is one provision in the tax increase of the President's budget that is very detrimental to our country and to our society, and that is the carbon tax aspect of this. Imagine paying more for every piece of energy that you use. That is what this cap-and-trade, cap-and-tax plan will do.

I have seen the direct result of placing taxes and additional regulatory burdens on my congressional district in

Southern Illinois. I always tell the story about the 1990 amendments to the Clean Air Act where because of Federal regulation, in this one case, in this one case, 1,200 miners lost their jobs.

I was told by someone who was the business manager for the United Mine Workers of America in Southern Illinois that during 1990 he was responsible for 14,000 mine workers in Southern Illinois. After the amendments were passed, he then was reorganized into a three-State region to only bargain for 4,000 United Mine workers. 10,000 mine workers' jobs were lost.

That was just in the cap-and-trade clean air amendments 1990s, where we had technology to make the transformation. This carbon dioxide cap-and-tax provision, we do not have the technology available today to effect this change.

So this is what happened. This is actually a picture of mine workers who lost their jobs. This is the mine I was talking about, Peabody No. 10 in Kincaid, Illinois. The interesting thing about this mine, it is very, very efficient in that the mine was right across the street from the power plant, so you saved on the transportation costs, whether that be the trucks or that would be the rail applications. There was a little conveyor belt going across the road to the power plant. This mine was closed down. These miners lost their jobs.

Now, under the new regime of the President's bill that taxes too much, he proposes additional taxation of $686 billion through a carbon tax. This carbon tax will be passed on to everybody who uses fossil fuels in America.

You might say, I don't want to use fossil fuels. It is like the story where the individual says I don't like coal, I don't like nuclear power, I don't like hydroelectric. I like electricity. The problem with this is 50 percent of all electricity, even the electricity that lights this Chamber, is produced by coal-based electricity generation. The power plant just down the road two blocks from here is a coal-fired power plant. Fifty percent.

If you put additional taxation on that fossil fuel, that cost will be passed on to the individuals and the consumers. This is the worst time to really attack our economy through additional taxation, because of the economic slowdown, the economic recession, the competitive nature of the world. If we not only put a challenge to our use of fossil fuels in this country, not only coal, natural gas as a fossil fuel, gasoline as a fossil fuel, estimations of the last cap-and-trade bills are 50 cents additional to the cost of a gallon of gas.

Where does that money go to when we collect it? There is an old story. When the bank robbers rob a bank and they get away to their hideaway and they put the loot on the table, what happens? That is when you have the fights break out. That is when one bad guy shoots the other bad guy and says, I am taking all the money for myself.

What this cap-and-tax regime will do will allow bureaucrats, it will allow us in Washington, to decide how that money is going to be split up, and it will be folks here making that determination. Why do you think so many people are at the table? They are at the table because they want part of your tax dollars that you are going to pay through higher rates to us and they want to get benefited.

You can look across all the regimes that are at the table. They are at the table because they want part of that revenue stream. What this revenue stream will do is not only kill the fossil fuel of this industry, which is hundreds of thousands of jobs and low-cost power, it will make us not competitive with the developing nations who are using coal and having low cost power.

MOVING FORWARD TO A NEW ENERGY FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. INSLEE) for 5 minutes.

Mr. INSLEE. Madam Speaker, last week I had two very exciting meetings with people who have some insights about how we can move forward to use a new energy future to really revive our economy, and I thought I would take a couple of moments to advise my colleagues about these meetings. I thought they would be interested in them.

First, I met some absolutely brilliant people up in Boston area at the MIT, Massachusetts Institute of Technology, Energy Club. This is a club of graduate and post-graduate students who have come together to organize themselves to try to promote ideas about how to build a new, clean energy future for the country.

These are brilliant people, post-graduates in chemistry, electrical engineering, mechanical engineering. These are really some of the creme de la creme of our young geniuses coming up who can help build our new economy. It was fascinating to me, because these were people who were tremendously optimistic even in these tough times about the ability to grow the U.S. economy, if we will get serious about promoting the future of new energy technologies.

□ 1100

I am convinced after meeting these relatively young people that we've got a bright future in our economy if we can unleash these intellectual geniuses. They told me that they were waiting for a signal from Washington, DC, that we were really going to embrace these new technologies; and they told me about some of these new technologies that they're fascinated in. I thought I would share some of them today.

They told me about a technology company called Ramgen, a company out in my State of Washington, that has an ability to compress carbon dioxide so that someday we might be able to burn coal in a way that carbon dioxide doesn't go into the air but we compress that carbon dioxide and put it under the ground permanently so it doesn't cause global warming. They're waiting for Congress to pass a bill that will essentially direct the economy in that direction. They told me it's very important to have a bill that will create a fund to be able to support the research so that these people at MIT can help develop this and various other technologies. The cap-and-trade bill, which I'll talk about a little later, is a bill that will do just that, to help that technology forward.

We talked about the Ausra Company, a company that just opened the first manufacturing plant in the United States, commercial plant, for concentrated solar energy, so you can concentrate the sun's rays and generate electricity. They are now hiring several hundred people in Nevada, building these new plants, so that we can convert the sun's energy directly to electricity, and they were very excited about that technology.

I met up there the leader of A123 Battery Company. At A123 Battery, they make lithium ion batteries that can power plug-in hybrid cars and ultimately all electric cars using lithium ion. The beauty of this, of course, is that if you use electricity, you don't have to import gasoline from Saudi Arabia, you don't have to wrap yourself around that national security threat, and you can use electricity rather than oil. But they told me they're waiting for a signal from Congress to move toward electricity in our cars. Now we started that in the stimulus bill to help them, but now we need to move forward to have a bill to essentially regulate carbon dioxide so we can have another signal to industry to start moving to electric cars.

We talked about a company called the Sapphire Energy Company. The Sapphire Energy Company just started construction of ponds—and this will sound like science fiction but it's real—ponds where you can grow algae and the algae takes the sun's energy and turns it into lipids and then you essentially press it and you get fuel that you make gasoline out of. So we can use algae to essentially eat carbon dioxide out of our coal-fired plants and then use it to make a liquid automobile fuel that's chemically indistinguishable for gasoline. Pretty exciting company.

We talked about the AltaRock Company. The AltaRock Company is a company, again up in the State of Washington, which is trying to commercialize what we call engineered geothermal, where you can poke a hole down in the Earth, you pump water down there, it collects to a 300-degree temperature, you bring it up, generate steam and make electricity. Again, zero CO_2.

These companies are waiting for a signal from Congress, the cap-and-

trade bill, and we're going to try and get it through this year.

REGARDING THE PRESIDENT'S BUDGET PROPOSAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 3 minutes.

Mr. PENCE. Madam Speaker, I rise today in the midst of an enormous amount of national outrage. I sensed it yesterday when I was in Anderson, Indiana, meeting with my constituents, meeting with small business leaders at a forum. Now much in the media today is focused on the frustration over a large business, specifically AIG, that received tens of billions of dollars in taxpayer money and now has been busy paying bonuses with it to the tune of over $150 million and has been passing out that money to foreign corporations. That outrage is very real and I agree with it. The American people are tired of bailouts. I voted against the Wall Street bailout last fall, defied a President of my own party, because I simply believe we can't borrow and spend and bail our way back to a growing America. And it seems that much of the public has now come to the conclusion that this notion that we can bail out every failing business in the country is a deeply flawed notion. But I also heard an enormous amount of outrage in my district yesterday about this administration's budget.

The truth is the more the American people look at the President's budget plan, the more they realize that it spends too much, it taxes too much, and it borrows too much, and we have to do better.

I heard yesterday from a constituent by the name of Ted Fiock, who runs and owns Anderson Tool and Engineering Company. He talked about the increasing cost in his business, saying, ''The cost burden is just insane right now. We're not doing well. We're struggling. We're in a survival mode right now.'' You can imagine his frustration and even, I would perceive, outrage when I explained to him that 50 percent of the Americans who will be paying higher taxes under the President's budget are actually small business owners just like him. The President said it would just affect Americans who make more than $250,000 a year, but according to the most reasonable estimates, more than 50 percent of the Americans that file taxes over that amount are actually small business owners just like Ted filing as individuals. Raising taxes on small businesses, especially during these difficult economic times, is not a prescription for recovery. It's a prescription for economic decline. I also shared with Ted and others the President's plan, the so-called cap-and-trade energy tax. Under the administration's budget, there would be a new energy tax that could cost every household, let alone every business, up to $3,128 a year for using electricity, driving a car, relying on energy in any way.

The President's budget simply taxes too much. And as I explain the metes and bounds in this budget today, the outrage about AIG's bonuses, the outrage about bailouts has suddenly met its match. I think the more the American people look at this administration's budget, the more they know we can do better, and we must do better. It's time for this Congress to embrace the principles of fiscal restraint and policies that will get America growing again, and Republicans are prepared to bring those ideas forward.

CONGRESSIONAL EARMARKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 3 minutes.

Mr. FLAKE. Madam Speaker, a little later today, I will bring another privileged resolution to the floor asking for the Ethics Committee to look into the relationship between earmarks and campaign contributions. This will be the fourth one that has been offered. Each time these have been tabled and we haven't instructed the Ethics Committee to look into this. I hope that that changes.

Several years ago, we had a scandal involving earmarks, the Jack Abramoff scandal. Mr. Abramoff now sits in Federal prison. Some staff members and lobbyists and others also were implicated in that scandal. The leadership at that time was slow to recognize the scandal that was there, and I would say today that the leadership is also slow to recognize what is going on here. There are investigations going on around us. The Department of Justice is investigating—we know this from various press reports—the relationship between earmarks and campaign contributions.

Let me just read a few of the whereas clauses from the resolution that will be introduced later today. This one is a little more specific. The first resolution that was introduced had to do just with earmarks and campaign contributions in general. The second one had to do with earmarks related to the PMA Group. The next one just with earmarks related to the PMA Group for FY09 defense spending. This one has to do specifically with the head of PMA, Mr. Magliocchetti, whom we were told had his home raided by the FBI a while ago. Keep in mind that the PMA Group was a lobbying firm, a powerhouse lobbying firm, that over a period of 8 years collected more than $100 million in fees from its clients, mostly for seeking earmarks from this Congress. Yet when the news came that the FBI was investigating and had raided the office, that firm, that I believe brought in about $17 million last year alone in revenue, imploded, within a week. By the end of this month it will be completely gone, dissolved. And when you read some of allegations that are going around in the press, you don't wonder why.

CQ Today reported recently that Mr. Magliocchetti and nine of his relatives—two children, daughter-in-law, current wife, his ex-wife, ex-wife's parents, sister and brother-in-law—provided $1.5 million in political contributions from 2000 to 2008. Now if you look at some of the occupations listed by some of those who were giving $100,000 over just a couple of years—school teacher, police sergeant, homemaker—does that not raise somebody's antenna that something might be amiss here?

We can't simply let the Justice Department's investigation dictate what we do here in the House. We should move forward ourselves. We shouldn't say that whether or not you can be indicted or convicted should be the standard that we uphold here in the House to uphold the dignity and decorum of this body. Madam Speaker, this body, this Congress, deserves better than that. That's why I hope that we will actually ask this time the Ethics Committee to investigate this matter.

THE BUDGET TAXES TOO MUCH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 3¾ minutes.

Mrs. BLACKBURN. I thank the Speaker.

Madam Speaker, I rise today to talk a little bit about the budget issues that are before us and about how we are spending too much, we're borrowing too much and we're taxing too much. Recently one of my constituents came up and she had a child in her arms. It was her 6-month-old grandchild. She looked at me and she said, Marsha, you know, it makes me really angry when you all spend money that I haven't made, but when Congress is spending money that this grandbaby has not made, it just absolutely infuriates me. It makes me want to come to Washington and knock on the doors of the Members of Congress and say, What are you doing to this child's future?

Madam Speaker, that is what our constituents are saying when they look at this budget proposal that contains the largest tax increase in history, $1.4 trillion, over a 10-year period of time. Now some of my constituents have said, where do they get this money? Where does this come from and what are they taxing to come up with $1.4 trillion? Well, I want to talk a second about the cap-and-tax proposal that the President and the administration has brought forward. I want to use a quote that the President made in an editorial board with the San Francisco Chronicle in January 2008. It said under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. That will pass the money on to consumers.

That was in January 2008. What we see is, yes, electricity rates will go up. Every time an individual flips on a light switch, every time they punch the brew button on their coffee maker, every time they turn on their computer, it is going to cost them more

money, every single time, to the tune of $3,128 per family per year. That is what we are beginning to see. This is going to increase your cost of doing business in your home every single day of living, that maintenance of life that we all go through.

We're very concerned about this part of the proposal, the cap-and-tax. It is part of the $1.4 trillion increase.

With that, Madam Speaker, I yield back my time, and I thank you for yielding the time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, Creator of all things great and small, the ancient Celtic people took such joy in nature's secrets as well as its beauty. They found Your presence in every spring, every lake, forest and glen. Each was a sanctuary where prayer came easily, and the poetry of creation became a spark of Your own Divine light.

Be with Congress today. Bless its aspirations and its work. Be close to this Nation, and intimately present to its people.

In the midst of anxieties, busy work, and grave responsibilities, grant them a moment to be touched by Your glorious creation so they, too, find praise on their lips and joy in their hearts for another day, and a sense of Your eternal goodness.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. KINGSTON) come forward and lead the House in the Pledge of Allegiance.

Mr. KINGSTON 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.

CONCERNS OVER AIG BONUSES

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

Mr. BUTTERFIELD. Mr. Speaker, like most Americans, I am deeply outraged this morning that while millions of people suffer through this difficult economy, AIG executives are seeking to take $165 million in bonus pay. The scope and depth of this waste and greed are just shocking and unjustifiable. It is beyond my imagination that they would do that.

Mr. Speaker, I represent a district in North Carolina where the median household income is just a little bit more than $30,000 per year. These Americans must work extremely hard every day just to meet their obligations.

It is patently unfair that hard-working Americans could be asked to work harder to pay more taxes that are needed simply to provide AIG executives with multimillion-dollar bonuses. It is patently unfair.

I encourage this body and President Barack Obama to take every avenue possible to stop these bonuses or, if they are legally unstoppable, to tax them beyond belief.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, Mr. Paul Magliocchetti, a former Appropriations Committee staffer, founded a prominent lobbying firm specializing in obtaining defense earmarks for its clients and whose offices—along with the home of the founder—were recently raided by the FBI.

Whereas, the lobbying firm has shuttered its political action committee and is scheduled to cease operations at the end of the month but, according to the New York Times, ''not before leaving a detailed blueprint of how the political money churn works in Congress'' and amid multiple press reports that its founder is the focus of a Justice Department investigation. (The New York Times, February 20, 2009)

Whereas, CQ Today noted that the firm has ''charged $107 million in lobbying fees from 2000 through 2008'' and estimates of political giving by the raided firm have varied in the press, with The Hill reporting that the firm has given $3.4 million to no less than 284 members of Congress. (CQ Today, March 12, 2009; The Hill, March 4, 2009)

Whereas, The Hill reported that Mr. Magliocchetti is ''under investigation for [the firm's] campaign donations,'' the Washington Post highlighted the fact that federal investigators are ''focused on allegations'' that he ''may have reimbursed some of his staff to cover contributions made in their names . . .,'' and the New York Times noted that federal prosecutors are ''looking into the possibility'' that he ''may have funneled bogus campaign contributions'' to members of Congress. (The Hill, February 20, 2009; The Washington Post, February 14, 2009; The New York Times, February 11, 2009)

Whereas, Roll Call reported on ''the suspicious pattern of giving established by two Floridians who joined [the firm's] board of directors in 2006'' and who, with ''no previous political profile . . . made more than $160,000 in campaign contributions over a three-year period'' and ''generally contributed the same amount to the same candidate on the same days.'' (Roll Call, February 20, 2009)

Whereas, The Hill also reported that ''the embattled defense lobbyist who led the FBI-raided [firm] has entered into a Florida-based business with two associates whose political donations have come into question'' and is listed in corporate records as being an executive with them in a restaurant business. (The Hill, February 17, 2009)

Whereas, Roll Call also reported that it had located tens of thousands of dollars of donations linked to the firm that ''are improperly reported in the FEC database.'' (Roll Call, February 20, 2009)

Whereas, CQ Today recently reported that Mr. Magliocchetti and ''nine of his relatives—two children, his daughter-in-law, his current wife, his ex-wife and his ex-wife's parents, sister, and brother-in-law'' provided ''$1.5 million in political contributions from 2000 through 2008 as the lobbyist's now-embattled firm helped clients win billions of dollars in federal contracts,'' with the majority of the family members contributing in excess of $100,000 in that timeframe. (CQ Today, March 12, 2009)

Whereas, CQ Today also noted that ''all but one of the family members were recorded as working for [the firm] in campaign finance reports, and most also were listed as having other employers'' and with other occupations such as assistant ticket director for a Class A baseball team, a school teacher, a police sergeant, and a homemaker. (CQ Today, March 12, 2009)

Whereas, in addition to reports of allegations related to reimbursing employees and the concerning patterns of contributions of business associates and board members, ABC News reported that some former clients of the firm ''have complained of being pressured by [the firm's] lobbyists to write checks for politicians they either had no interest in or openly opposed.'' (ABC News The Blotter, March 4, 2009)

Whereas, Roll Call has taken note of the timing of contributions from employees of Mr. Magliocchetti's firm and its clients when it reported that they ''have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill.'' (Roll Call, March 3, 2009)

Whereas, reports of the firm's success in obtaining earmarks for their clients are widespread, with CQ Today reporting that ''104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills,'' and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm. (CQ Today, February 19, 2009)

Whereas, clients of Mr. Magliocchetti's firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid and Justice Department investigation into the firm and its founder was well known.

Whereas, the Chicago Tribune noted that the ties between a senior House Appropriations Committee member and Mr.

Magliocchetti's firm ''reflect a culture of pay-to-play in Washington.'' and ABC News indicated that ''the firm's operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit ''pay-to-play'' politics . . .'' (Chicago Tribune, March 2, 2009; ABC News The Blotter, March 4, 2009)

Whereas Roll Call has reported that ''a handful of lawmakers had already begun to refund donations tied to'' the firm ''at the center of a federal probe . . .'' (Roll Call, February 23, 2009)

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to Mr. Magliocchetti, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Whereas, the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards from taking investigative steps: Now, therefore, be it

Resolved, That

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the founder of the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution,

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

WHAT'S GOOD FOR DETROIT IS GOOD FOR WALL STREET

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, this week, we saw the latest outrage from Wall Street when it was exposed that AIG paid out hundreds of millions of dollars in bonuses, much of which went to workers in the division that helped actually cause the economic meltdown, and all with taxpayers' money. The excuse we are given is that those are contractual obligations and they must be paid, and we are supposed to just accept that.

Let us contrast that with how American auto workers are treated when General Motors or Chrysler need bridge loans from the government. They are told that they make too much money and that their contracts are killing the companies, and that they must take less or else the Federal Government will let the companies die.

So let's get this straight; AIG employees, who helped implode the economy, are given bonuses with taxpayers' money because it's in their contract, while UAW workers whose companies were badly hurt by the economic meltdown—partially caused by AIG—are told that their contracts must be disregarded or renegotiated. That is a vivid example of the double standard where people who work on Wall Street get their contracts upheld, but people who work on the line, it doesn't matter, and let them eat cake. This is wrong, Mr. Speaker.

RESPONSIBLE CORPORATE EXECUTIVE COMPENSATION ACT OF 2009

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

Mr. DINGELL. Mr. Speaker, like everybody else in this Chamber, I am outraged about AIG. They got $170 billion in taxpayer funds to bail them out of a situation which was largely of their own creation. And they then made it worse by giving $165 million in bonuses to people who had participated in the outrage about which all Americans are so infuriated.

The Federal Government is trying to save this corporation because it's too big to fail, but we don't have to save a bunch of money-grubbing rascals who had a part in the collapse of our economy, which they helped to bring about.

I am introducing a bill today which is going to address the problem. It is entitled, the ''Responsible Corporate Executive Compensation Act of 2009.'' It will impose a 95 percent tax on bonuses paid to employees of TARP recipients.

I urge my colleagues to cosponsor this bill and help make certain that hardworking Americans are not the only ones who have to sacrifice during this time of severe economic stress and uncertainty.

WE OWE OUR VETERANS EVERYTHING

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

Mr. KIRK. Mr. Speaker, last week the administration announced plans for veterans to rely on private insurance company payments for the treatment of their war wounds. The American Legion's Commander Rehbein and the Iraq and Afghanistan Veterans of America Executive Director Reickhoff have already expressed very strong concerns.

The government broke these soldiers in battles across World War II, Korea, Vietnam, Iraq, and Afghanistan. We, the citizens of America, owe veterans care through our government. Veterans should not depend on private insurance companies who bear no moral bond to soldiers or their pain.

One of President Washington's first missions was to care for veterans. President Lincoln promised ''to care for him who bore the brunt of battle, his widow and his orphan.''

President Obama eloquently portrays Lincoln as his hero, and it is clear what Lincoln would advise today.

Care for our veterans, Mr. President. Private companies owe them very little. We, the American people and our Federal Government, owe them everything.

□ 1215

DISCRIMINATION IS STILL ALIVE AND WELL

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

Mr. KAGEN. Mr. Speaker, discrimination is alive and well all across America. You may not have heard about it on the radio or seen it on television, but it's still alive and well. You won't see it on television because discrimination today is beneath the skin, beneath the skin of our entire society, as insurance companies, omnipotent as they are, continue to discriminate based on the preexisting condition of a citizen.

These insurance companies no longer discriminate on the basis of skin color. Rather, they discriminate against women because of the calcium, or the lack of it, in their bones. They discriminate against people who may have coronary artery disease or any of a number of medical conditions.

The lessons of both my profession and my faith have made it clear: We are all really the same beneath our skin. We're all made of the same clay. And 40 years after the civil rights movement has established that all citizens of any color shall be able to drink from the same water fountain, sit on the same bus, and attend the same medical clinic, our Nation still remains divided, not by skin color but by skin chemistry.

Mr. Speaker, it's time we bring an end to discrimination in health care.

THE FLOGGING OF GRANDMA

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

Mr. POE of Texas. Mr. Speaker, last week was International Women's Day to proclaim human rights for all women.

Obviously, Saudi Arabia didn't get the memo. In the name of religion, the

official Muslim religious police arrested a 75-year-old woman for accepting bread from two young men. The crime: She had the arrogance to be with males who were not blood kin.

To the religious police in Saudi Arabia, her behavior cannot be tolerated. So the 75-year-old woman was hauled off to court, and a judge ordered her to receive, get this, 40 lashes and 4 months in jail with deportation to follow. And the two boys who were kind to her by giving her bread: lashes and prison for them too.

The official Muslim religious police are feared by women in Saudi Arabia because they enter homes to enforce dress codes, prayer times, and segregation of the sexes. Flogging women in the name of religion for accepting bread from young men seems to be anti-social action and contrary to basic human rights.

So much for the idea of helping the widows and the orphans. Maybe next year grandmas in Saudi Arabia can celebrate International Women's Day without being flogged by their government.

And that's just the way it is.

THE ECONOMY

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, mistaken policies, misplaced priorities, and profound irresponsibility have brought us where we are today. President Obama and this Congress are committed to real change. And what is that change? We propose solutions, real solutions. An honest budget, rejecting gimmicks, and eliminating the wasteful spending that has brought us to this trillion dollar deficit that we now have today.

What the American people need are tax cuts, and 95 percent of Americans will now receive a tax cut. What do the American people need? A double commitment of the investment of Pell grants, of looking at a commitment to Head Start, and so many of the other vital areas.

When we look at this Congress, we are committed to fixing health care, not to be a party of ''no,'' but to say that we are going to address what is happening for struggling homeowners.

The American Recovery Act addressed and is helping us to bring forward 3.5 million jobs to help stabilize the State budgets and to dig us out of this fiscal mess that we inherited over the last 8 years.

We can recover, we must recover, because as Americans, failure is not an option.

ENERGY

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

Mr. CASSIDY. Mr. Speaker, as regards to energy, I'm an all-of-the-above-type person. We need a diversity of energy sources. But we will not be carbon free for generations. Our need for plastics, fertilizers, lubricants, and fuels so dictates.

So given the fact that we're not going to be carbon free, it seems like domestic energy production should be encouraged. If we've got to have something, it's better for us to buy it from ourselves, for our workers, for the money to stay here.

In Louisiana alone, my home State, oil and gas production in the petrochemical industry employs 320,000 people. They work as welders, pipe-fitters, on barges, engineers. Countless small businesses with another 100,000 or so workers. Yet the President's budget contains at least eight separate tax hikes specifically targeting domestic oil and gas production.

Tax hikes create uncertainty, uncertainty creates caution, and caution inhibits economic activity. As we seek energy security and to create and preserve American jobs, I have to ask why are we punishing the industry which contributes both?

FORMER VICE PRESIDENT CHENEY'S ATTEMPT TO REWRITE HISTORY

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

Mr. YARMUTH. Mr. Speaker, on Sunday former Vice President Cheney made the latest in a series of outrageous attempts to rewrite history. He suggested that America was less safe now than under President Bush. Well, as a former journalist and editor, I'm compelled to do a little rewrite of his story.

I think it is important to note that under President Bush and Vice President Cheney, we let Osama bin Laden escape. We took our eye off the ball in Afghanistan and moved to Iraq. We went into Iraq with no plan for victory. We heard from Vice President Cheney that we were going to be greeted as liberators, that WMD would certainly be found, and that this war was going to be very short and cost us very little money.

My editing of Vice President Cheney's statement on Sunday would be that he did not exactly tell the whole story.

Fortunately, the American people know the whole story. They know that we are much safer now with President Obama in the White House. So as the recently departed Paul Harvey would have said, ''And now you know the rest of the story.''

CALLING FOR THE PREVENTION OF BONUSES PAID TO AIG EXECUTIVES AT TAXPAYERS' EXPENSE

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

Mr. BUCHANAN. Mr. Speaker, the American people were outraged yesterday, and with good reason, when they learned that the bonuses of $165 million were going to executives at AIG, an insurance company. They are the very executives who drove the company to the ground and helped create the economic problems we're facing today. Instead of getting bonuses, they should be fired.

AIG is now 80 percent owned by the Federal Government, which is the American people. This is an outrageous injustice at taxpayers' expense.

I have been in business 30 years. We always pay for results, proven results, in this case something that would be a return to the American people. But that hasn't happened. This rewards greed and recklessness.

AIG recently reported in a 2008 fourth quarter more than $60 billion in losses, all while the unemployment in America hit a 25-year high.

I ask the President to use all the power at his disposal to prevent these bonuses from being paid at taxpayers' expense.

CALLING FOR 100 PERCENT TAX ON ''PERFORMANCE'' BONUSES BY ANY COMPANY IN WHICH THE GOVERNMENT OWNS A MAJORITY STAKE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, we all know the news yesterday that AIG is paying over $100 million in bonuses. I find this an absolute outrage. I'm glad the President has directed the Treasury Department to use all legal means to restrict these bonuses.

But we in Congress can actually make the laws, and here's a law we should make: Tax the bonuses of any company in which the government owns a majority stake at 100 percent. I have introduced this bill today—tax so-called ''performance'' bonuses at 100 percent.

Bonuses are supposed to be given to someone who has done a good job. But AIG, as my colleague said, and we've found something we agree on, lost over $70 billion in the last quarter. We put in $170 billion of taxpayers' money. They don't deserve a bonus. They deserve better management. They deserve certainly a restriction on the bonuses that they have. And I really applaud President Obama, who said yesterday that this isn't just a matter of dollars and cents; it's a matter of fundamental values.

I urge my colleagues to join me in taxing this bonus.

PRESIDENT'S BUDGET: TAXES TOO MANY TOO MUCH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats have broken their promise not to raise taxes on 95 percent of Americans. Democrats are proposing to tax small businesses and everyone who plans to turn on a light, drive a car, or heat their home.

Under the Democrat budget, many small businesses will see their taxes go up. At a time when our economy is in trouble, this budget raises taxes on the one group that creates the most jobs in America.

But small businesses are not alone. Under the new Democrat cap, trade, and tax proposal, every household in this country would pay as much as $3,128 each year in higher energy costs. This would surely overwhelm any tax break they may be getting.

The President says this budget is not just about numbers on a page. I agree. There are real families and small businesses that will be hurt by the $1.4 trillion in new taxes this budget will create.

In conclusion, God bless our troops, and we will never forget September the 11th.

CALLING FOR COMPREHENSIVE FINANCIAL REGULATORY REFORM AND ACCOUNTABILITY

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

Mr. ARCURI. Mr. Speaker, the bonuses announced by AIG are nothing less than a slap in the face to the taxpaying families across my district and across the entire country. Families that are struggling to pay rising energy bills and put food on their table.

To expect hardworking middle class families in my district and across the country to foot the bill for executive bonuses when those same executives failed in their job and dragged our economy down with them is completely unacceptable.

My constituents pay their bills on time. They make hard financial choices, and they meet their responsibilities each and every day without a bailout.

This is truly a nonpartisan issue. I will work with my colleagues on both sides of the aisle and with the administration to build a regulatory system founded on accountability. That is why I support legislation to hold these irresponsible individuals accountable and demand that they pay back to the American people the money that we gave them in bailouts.

Now is the time for comprehensive financial regulatory reform and accountability. Never again should we leave the foxes in charge of the henhouse.

THE DEMOCRAT PARTY: THE PARTY OF ''OWE''

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

Mr. KINGSTON. Mr. Speaker, the Democrat budget that we are looking at of $3.6 trillion spends too much, taxes too much, and it borrows too much.

Not that spending is a problem to this majority. Take recently the town of Union, New York, which received $578,000 in stimulus money that they did not ask for, and the money was earmarked for a homeless prevention shelter, which they do not have. Now the town supervisor says this is nice but we're not aware of any homeless problem in Union, New York.

Nonetheless, the White House, instead of saying this is a mistake, they simply say we encourage them to develop creative strategies for this funding.

This party is the party of ''owe.'' They owe China. They owe their big union lobbyists. They owe our children and the future generations. And, oh, my goodness, look how many O's are in $3.6 trillion.

□ 1230

FISCAL YEAR 2010 BUDGET

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to address the President's fiscal year 2010 budget proposal. We are in a crucial time in our Nation's history. According to a recent CNN poll, 45 percent of Americans believe that another Great Depression is likely.

The President's budget represents a bold strike to revitalize the economy and provides a path to future economic stability and prosperity. The proposal is a good start.

There are, however, areas that require further refinement. The suggestion to limit itemized deductions will have negative unintended consequences. As charitable donations become scarcer in these trying times, signaling an intent to limit their tax-deductible value may further impair charitable giving at precisely the time we need more.

Capping the mortgage interest deduction will cause unintended discouragement for homeownership at precisely the time we need to stabilize home values. We also must consider increasing the $250,000 income cap for raising tax brackets. In my district, with one of the highest costs of living and one of the highest percentages of dual incomes, the proposed level would be a difficult imposition. Additionally, we must ensure pay parity between civilian and military government employees as we ask more of the civilian workforce.

Overall, I expect the proposed budget to be worked out over the next few weeks in the Budget Committee.

LEGISLATIVE MALPRACTICE

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

Mr. PITTS. Mr. Speaker, the President's chief of staff said, ''You never want a serious crisis to go to waste. It's an opportunity to do things that you think you could not do before.''

In other words, the administration and this Congress are exploiting our financial crisis, inserting many of their political-agenda items into the massive spending bills without due deliberation: items like repeal of welfare reform; like the comparative effectiveness board that will lead to rationed health care; like electricity rate decoupling, which increases electricity prices as people use less energy; like easing Cuba travel restrictions; like mandating Davis-Bacon for all contract projects in the country; like killing school choice for poor kids in Washington; and parts of government-run health care and the cap-and-trade energy taxes and more and more.

Without one Member of the House reading these 1,100-page-plus bills, Mr. Speaker, this is legislative malpractice.

AIG AND THEIR BIG-TIME BONUSES

(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. Mr. Speaker, my e-mail inbox is full of constituents fed up with AIG. I don't blame them. I have had it up to here with bad news about AIG and their big-time bonuses. They should return that money.

As a U.S. News columnist asked, ''Forget bonuses. Why are these people still collecting regular paychecks?'' I am glad that New York Attorney General Andrew Cuomo demanded AIG provide information on who is receiving bonuses in its Financial Products Group. Those who receive the fat-cat bonuses are mainly responsible for the company's and the country's financial problems.

I say fire them all. They don't deserve bonuses. Turn them over to the Marines. Put them in the brig.

CONGRATULATING ZWOLLE AND SPRINGHILL ON WINNING BASKETBALL STATE CHAMPIONSHIPS

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

Mr. FLEMING. Mr. Speaker, I want to acknowledge the accomplishments of two outstanding basketball programs that brought home Louisiana State titles in my district over this weekend.

The Springhill High School Lumberjacks won the Class 2A State championship on Saturday with a 70–66 victory over Many High School. Antonious Markray ended a stellar high-school career with a game high of 29 points for the Lumberjacks. This is the first State title in the modern era for Springhill, Louisiana.

Also winning a State title this weekend were the Class B champions from Zwolle High School. The Hawks beat Rapides 55–53 with Antonio Holmes leading the way. He finished with 17 points and was awarded the MVP trophy. This is the third State title in 4 years for Zwolle.

Congratulations to the players, coaches and parents of the Lumberjacks and the Hawks for a job well done.

HONORING THE EDEN PRAIRIE EAGLES BOYS HOCKEY TEAM

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

Mr. PAULSEN. Mr. Speaker, I rise to pay tribute to the Eden Prairie Eagles boys hockey team that won the Minnesota State High School Class AA Tournament just this past weekend.

Minnesota is known as the ''State of Hockey,'' and I submit we have the highest quality high school hockey tournament in the Nation. Led by coach Lee Smith, the talented Eden Prairie team had a tough road to the title.

They beat defending State champion Hill-Murray in the opening round, and they followed that win with a victory over a tough Blaine team. In the final, they defeated a tough Moorhead team as well, 3–0, to win the school's very first high school hockey championship for Eden Prairie.

As a resident of Eden Prairie myself, I am especially proud of the Eagles. I ask my colleagues to join me in offering our praises and congratulations to the coaches, the parents and the talented group of scholar athletes for a great season. And I also heartily applaud the school spirit of the student cheering section, which was the largest at the tournament.

OUTRAGE OVER HARASSMENT OF U.S. UNARMED CIVILIANS IN INTERNATIONAL WATERS

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

Mr. FORBES. Mr. Speaker, I have watched in the last several minutes as one by one people have come up to these podiums and beaten them and talked about being outraged. But 10 days ago, one of our naval vessels that was unarmed, full of civilians, was harassed by a Chinese aircraft and five Chinese vessels, and this House has not had time to express the outrage for what has happened with that.

We had time to pass a bill that expressed our outrage of how they treated the people of Tibet, but not over unarmed American civilians. We had time yesterday to pass three pieces of enormous legislation naming post offices, but not time to express our outrage over the harassment of U.S. civilians who are unarmed in international waters. Today we will leave at 3 o'clock, but we won't have time to express our outrage over unarmed civilians.

Mr. Speaker, I hope this House leadership will change its position, bring the resolution to the floor and send a message that we are going to protect and defend our people when they are in international waters.

PRESIDENT'S BUDGET SPENDS TOO MUCH, TAXES TOO MUCH AND BORROWS TOO MUCH

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

Mr. PENCE. It's St. Patrick's Day, Mr. Speaker, and my Irish grandfather would want me to do nothing short of acknowledging that and wearing the green. But I have to tell you, with the headlines about bailouts, the President's budget for $3.5 trillion and more spending and more taxes to grow government and pay for more bailouts, it's enough to get my Irish up.

Reality is that when the American people are taking a closer and closer look at this administration's budget, they know three things. This President's budget spends too much, it taxes too much and it borrows too much.

Believe it or not, in these times when the American people are saying enough is enough on big government spending and bailouts, this administration is poised to raise taxes on small business owners. Fifty percent of Americans who file taxes above the level the President wants to raise them are actually small business owners filing as individuals.

The average American household will pay $3,100 more with the President's new energy tax. And with the President capping charitable giving, charities in this country, churches and synagogues and the like could lose $9 billion this year alone.

Enough is enough. We have to say no to the President's budget and give the American people a budget that is strong and diverse and restrained and committed to growth as they are.

HOUSE CONSERVATIVES AND THE MINORITY TODAY ARE READY TO LEAD AND OFFER ALTERNATIVES

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

Mr. CULBERSON. Mr. Speaker, the conservatives who won re-election in the House are those who overwhelmingly voted against the massive spending programs that were proposed over the course of the last administration, who voted against the $1.5 trillion of new spending of this new administration. And we, House conservatives and the minority today, are ready to lead. We are offering alternatives to this massive spending program proposed by this new administration.

In only 38 legislative days, Mr. Speaker, the new liberal majority that rules Congress and rules the White House has managed to spend more money in less time than any Congress in the history of the United States. Never before have so few spent so much money in so little time.

This budget proposed by the White House, spending $3.5 trillion, driving up the deficit to triple the level of last year, doubling the national debt in 8 years, ignores the financial hurricane just over the horizon that House conservatives are ready to deal with. This Nation faces unfunded liabilities at unprecedented levels, and we have got to just say ''no'' to more spending.

SMALL BUSINESSES AND NEW TAX BURDEN

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, growing up, my father ran two small businesses, a sporting goods business and a marina, both of which I worked at over the years. My grandfather's family worked a local dairy and farm.

So, Mr. Speaker, I was a bit taken back when the administration's budget proposal came across my desk last week. I know you often hear politicians speak about small business being the backbone of our economy, but it's true, and even more so in the American rural communities that I represent.

With 710 new jobs created by small business owners, these individuals are key to the revitalization of our economy and putting folks back to work. This budget proposal will increase the tax burden on every single small business owner not once, but twice. Overhead costs, raw materials, transportation, and every other segment of the supply chain will skyrocket under this proposal.

This is not acceptable and will only lengthen this recession and penalize the very best people that are best equipped to put folks back to work. Now, I will give credit where credit is due. I was pleased to see the President take a step in the right direction yesterday by relaxing the lending rules at the Small Business Administration to allow credit to flow more freely.

PRESIDENT'S BUDGET TAXES TOO MUCH

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

Mr. NEUGEBAUER. Mr. Speaker, hardworking Americans across this country are trimming their budgets and finding ways to save and make sacrifices. In these tough economic times the Federal Government should be held to that same standard.

During a time of economic instability, we cannot start raising taxes to pay for more government spending. Unfortunately, that's exactly what the President has proposed in his budget that he has submitted to Congress. The administration proposes to raise taxes $1.4 trillion over the next 10 years, which includes taxes on small businesses, the backbone of our economy.

Let's be clear about what $1 trillion is. If you started counting to $1 trillion, 1, 2, 3, it would only take you 31,708 years to count to 1 trillion. Yet we are talking about $1.3 trillion in new taxes.

The American taxpayers deserve a better plan for individuals and small businesses. We must empower American individuals and families. The road to economic recovery is paved with healthy small business communities creating jobs and opportunity.

Congress and the administration should focus on solutions that empower individuals and businesses to succeed in the economy, rather than solutions that spend too much, borrow too much and tax too much.

PRESIDENT'S BUDGET IS RECIPE FOR HIGH INFLATION

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

Mr. COFFMAN. Mr. Speaker, the President's budget is a recipe for high inflation, higher interest rates and a permanent downsizing of the U.S. economy.

For the President to say that this budget has fiscal year discipline defies all common sense. The President says he will cut the deficit in half over the next 5 years. However, that is only after he hikes it to over $1 trillion in the first year. His promise of never having a balanced budget has even caused our largest public debt holder, the People's Republic of China, to take notice and express concern over the lack of fiscal responsibilities in this budget.

When the economy begins to recover, public borrowing under the President's budget will compete with the demand for private borrowing, leading to a dramatic rise in interest rates and inflation, weakening the value of the dollar and lessening the value of U.S. Treasury notes.

Mr. Speaker, this budget taxes too much, spends too much and borrows too much and must be defeated.

HONORING UNIVERSITY OF WYOMING NORDIC SKI CLUB

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, I rise today to recognize an achievement of the University of Wyoming Nordic Ski Club.

Two weeks ago, this team swept the United States Collegiate Ski and Snowboard Association Nationals, with the men's and women's team both bringing home the gold.

I would like to congratulate coaches Christi Boggs and Rachel Watson, who led this team to double championship titles at Devil's Thumb Ranch in Colorado. This is the fourth national title for the University of Wyoming's women's program and the second for the men's program in 10 years.

Particular recognition should also go to Daniel Lewis, who came away with three individual championships, as well as his fellow teammates on the men's championship relay team, Eliah Pedersen and Evgeniy Panzhinskiy. In addition to these three accomplished young men, John Kirlin was named an Overall Individual All-American.

On the women's team, this title was awarded to Gracey Lewis, Kari Boroff, Gwynn Barrows and Marie Cartwright.

Again, I congratulate the University of Wyoming ski teams, my alma mater ski teams, on all their success. The Cowboy State is proud of these young men and women.

□ 1245

CAP-AND-TAX PROVISION HURTS AN AILING ECONOMY

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

Mr. SHIMKUS. The President today said that he was frustrated at the Republicans' ''just say no'' attitude. Well, this is what I am going to say ''no'' to. I am saying ''no'' to a 686 billion carbon tax increase. What does that mean?

This is Peabody Mine No. 10 in 1990. After the last Clean Air amendments, this mine was shut down. We lost over 1,200 mineworkers' jobs because of that.

The carbon tax, the cap-and-tax provision in the budget bill, will raise costs to every energy user in this country, hurting manufacturing, hurting retail industries. It's egregious, it's not necessary, and it only hurts an ailing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SUPPORTING PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) to support the goals and ideals of Professional Social Work Month and World Social Work Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 240

Whereas social workers have the demonstrated education and experience to guide individuals, families, and communities through complex issues and choices;

Whereas social workers help people in all stages of life, from children to the elderly, and in all situations from adoption to hospice care;

Whereas social workers are in schools, courtrooms, drug clinics, hospitals, senior centers, shelters, nursing homes, the military, disaster relief, prisons, and corporations;

Whereas social workers are dedicated to improving the society in which we live and connecting individuals, families, and communities to available resources;

Whereas social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities;

Whereas social workers, such as Harry Hopkins, Frances Perkins, Whitney M. Young, Jr., and Dr. Dorothy I. Height have been the driving force behind important social movements in the United States and abroad;

Whereas, according to the United States Department of Labor, Bureau of Labor Statistics, employment for social workers is expected to grow much faster than the average for all occupations;

Whereas Professional Social Work Month and World Social Work Day, which is March 17, 2009, will build awareness of the role of professional social workers and their commitment and dedication to individuals, families, and communities everywhere through service delivery, research, education, and legislative advocacy; and

Whereas the 2009 Social Work Month theme—Social Work: Purpose and Possibility—highlights the special characteristics of those who choose social work as a profession, and underscores the goals of their work: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and who are observing Professional Social Work Month and World Social Work Day;

(3) encourages the American people to engage in appropriate ceremonies and activities to further promote awareness of the life-changing role of social workers;

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work; and

(5) encourages young people to seek out educational and professional opportunities to become social workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 240 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I rise today to support the goals and ideals of Professional Social Work Month and World Social Work Day. Social workers are valuable members of all communities, helping people in all stages of life, from birth through the elderly, and in all situations, from adoption to hospice care and end of life. Dedicating their education and experience, social workers help to guide individuals, families, and communities through complicated issues and complex choices.

There are more than 600,000 people in the United States who have devoted their lives to social work and to the improvement of the society in which we live by obtaining social work degrees. Many social workers have been the driving force behind important social movements in the United States and abroad.

A few examples include Harry Hopkins, who relocated to New Orleans in order to work for the American Red Cross as Director of Civilian Relief, Gulf Division; or Francis Perkins, who championed the minimum wage laws and reduced the workweek for women to 48 hours.

My late grandmother, Ruth Schutz, was a social worker for over 20 years in New York City, as well as a progressive activist. These are the frequently unsung heroes of our communities, and that's why it's important that we recognize them here today, Mr. Speaker.

Social workers labor in schools, courtrooms, drug clinics, hospitals, senior centers, shelters, nursing homes, the military, disaster relief, prisons, and corporations all over the country as they stand up for others to make sure that everyone has access to the same basic rights, protections, and opportunities.

This is hard work, emotionally difficult, and frequently thankless work, which is why it's so important that our body take this step to honor social workers here today.

However, the need for social workers is expected to grow twice as fast as other occupations, especially in gerontology and home health care issues as our aging demographic requires more services for our seniors. Substance abuse, private social service agencies, and school social work also continue to increase.

Professional Social Work Month and World Social Work Day, which is March 17, 2009, will build awareness of the role of professional social workers and their commitment and dedication to individuals, families, and community everywhere through service delivery, research, education, and legislative advocacy.

I urge my colleagues to support this resolution honoring those who choose social work as a profession in their endeavors to better society.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 240, which supports the goals and ideals of Professional Social Work Month and World Social Work Day.

As a health care professional of three decades and a former licensed nursing home administrator, I observed personally every day social workers making meaningful contributions throughout the Nation.

They are on the front lines helping people overcome life's most difficult challenges—poverty, abuse, addiction, illness, disability, discrimination, and more. Social workers are the Nation's largest providers of mental health services, delivering 60 percent of mental health treatment.

However, these highly trained professionals also work in schools, hospitals, health care agencies, senior centers, crisis centers, and military bases. Social workers also actively advocate changes in policy and legislation to strengthen the social safety nets critical to so many. Whether in direct practice, administration, education, research, or policy development, social workers promote social justice for all.

According to the International Federation of Social Workers, social work grew out of humanitarian and democratic ideals, and its values are based on respect for equality, worth, and dignity of all people.

Since its beginnings over a century ago, social work has focused on meeting human needs and developing human potential. Human rights and social justice serve as the motivation and justification for social work action. In solidarity with those who are less fortunate, the profession strives to alleviate poverty and to promote inclusion for the most vulnerable populations.

This year's Social Work Month theme—''Purpose and Possibility''—truly highlights the special characteristics of those who choose social work as a profession and underscores the goals of their work. While their day-to-day work often goes unnoticed, we stand today to recognize with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work. I ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. POLIS. By passing this resolution and by bringing attention to Professional Social Work Month and World Social Work Day, which is March 17, 2009, we can not only bring attention and appreciation to an important profession, but engage in a discussion about the important role of social workers in keeping and weaving our community fabric together.

I ask my colleagues to join me in supporting this important bill.

Ms. SHEA-PORTER. Mr. Speaker, I am pleased to rise today to speak on behalf of House Resolution 240, which honors the dedication and compassion of professional social workers. Our highest calling is to provide service to others, especially those less fortunate than ourselves.

In the early 20th century, thousands of people lived in despair and poverty, and it was the early progressive moment in which the social work movement was born, providing food, clothing, health care and education to the less fortunate.

Social workers had a role in civil rights and in women's freedom. Today, social workers continue this fight to ensure that vulnerable families have the support and the health care that they need.

Social workers are everywhere in our society, caring for all of us. They help people in all stages of life, from children to the elderly, and in all situations, from adoption to hospice care. You can find social workers in hospitals, police departments, mental health clinics, military facilities and corporations.

Professional social workers are the Nation's largest providers of mental health care services. They provide more mental health services than psychologists, psychiatrists and psychiatric nurses combined.

The Veterans Administration employs more than 4,400 social workers to assist veterans and their families with individual and family counseling, client education, end-of-life planning, substance abuse treatment, crisis intervention and other services.

Today we thank all those who have toiled in the fields of our community, including my grandmother, who left the comfort of her home each day at the turn of the century and went to the Lower East Side to help immigrants. And we praise all of those who reach out to others every day in their community.

Social workers' service makes our communities stronger. March is National Professional Work Month, and Tuesday, March 17 is World Social Work Day. I honor their service and thank them for caring for all of us each day.

Mr. POLIS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 240, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING NATIONAL WOMEN'S HISTORY MONTH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 211) supporting the goals and ideals of National Women's History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 211

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a ''Women's History Week'' celebration in 1978 centered around International Women's History Day, which is celebrated on March 8th;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance;

Whereas during this time, using information provided by the National Women's History Project, founded in Sonoma County, California, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of American communities, under the guidance of the National Women's History Project, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in American history;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books;

Whereas the House of Representatives recognizes March 2009 as National Women's History Month; and

Whereas the theme of National Women's History Month for 2009 is women taking the lead to save our planet: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Women's History Month; and

(2) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H. Res. 211, which is designed to provide recognition and support for National Women's History Month, which is commemorated annually during the month of March.

Sponsored by our colleague, Congresswoman LYNN WOOLSEY of California, H. Res. 211 was introduced on March 5, 2009, and is currently cosponsored by 115 Members of Congress, both men and women, as well as from both sides of the aisle. The measure was considered by Chairman TOWNS and the Oversight panel on March 10, 2009, where it was passed without objection by voice vote.

Mr. Speaker, I contend that it would be challenging to recount history without recognizing the profound role that women have played in every community, State, and country throughout the world. While only a small measure of appreciation, today's consideration of H. Res. 211 is designed to express the appreciation and the gratitude of this legislative body for the priceless and timeless contribution of women throughout history.

The origins of National Women's History Month dates back to 1978 when organizers in Sonoma County, California, established a public celebration of women's history, calling it ''Women's History Week.'' In 1987, Congress expanded the celebration to a month-long commemoration by declaring March as Women's History Month.

Since the 1970s, we in American have seen notable growth in the study and expansion of women's history. In fact, today almost every college offers women's history courses and most major graduate programs offer doctoral degrees in this important field of study.

Even today, we continue to witness women history makers—from our very own Speaker of the House to the Speaker of the California State Assembly. From Governors and mayors to successful businesswomen, scientists, athletes, teachers and, of course, mothers, women are clearly making a difference in our country and in our world.

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

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I join with my colleagues in recognizing Women's History Month. This is important. We recognize a great many days and months here in the Capitol, and sometimes we get disparaged for it. But I think when we look at the important role and the partnership since Colonial times until this very day that women have spent and made in our history, we do so without it being properly marked in history.

One needs to dig a little deeper in order to see the equal participation of women. Our Founding Fathers did not make the decision to go to war without the support of their families because their land, their property, and their very lives were at stake when they made that decision.

Since 1987, this country has recognized Women's History Month in this month, and we should. National Women's History Month has also received the support of Federal, State, and local officials that allow for public fora to raise the awareness and perhaps to inspire a next generation of women to do all that they can do, be all that they can be, and participate in ways that women throughout our history have, and more.

So I join with my colleagues, and particularly my California colleague, Representative WOOLSEY, in asking that we take a moment to recognize Women's History Month.

I reserve the balance of my time.

□ 1300

Mr. CLAY. Mr. Speaker, I recognize the sponsor of the resolution, Ms. WOOLSEY of California, for 4 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to honor Women's History Month. Women were once considered second-class citizens whose rights were restricted, from voting to property ownership. But today, women serve in the Senate and the House of Representatives, they serve as members of the President's cabinet, and as Speaker of the House of Representatives. It is important that the role that women have played in shaping this country is honored. However, it wasn't until the late 1970s that women's history was taught in our schools. It was almost completely absent in media coverage and cultural celebrations.

That is why, Mr. Speaker, in 1998, the Education Task Force of the Sonoma County Commission on the Status of Women, when I was the Chair of the Commission on the Status of Women, initiated a women's history week celebration, a celebration that centered around International Women's History Day. The National Women's History Project, located in my district, was founded in 1980 by many dedicated women who poured their hearts and their ideas into promoting and expanding the weeklong celebration. Because several dedicated women, including Molly Murphy MacGregor, Mary Ruthsdotter, Maria Cuevas, Paula Hammett, and Bette Morgan, decided to write women back into history, thousands of schools and communities then started to commemorate Women's

History Week by bringing lessons on women's achievements into the classroom, staging parades, and engaging neighborhoods and churches in celebration of the contributions of women.

The hard work and dedication of these women and the support of the Sonoma County Commission on the Status of Women paid off. They started a national movement, and in 1981 Congress responded to the growing popularity of Women's History Week by making it a national observance in 1987 and expanding the week to a month, the month of March.

Imagine what American history lessons would be today without teaching about Harriet Tubman's Underground Railroad; or the work of Elizabeth Cady Stanton or Susan B. Anthony, and the many women who fought for women's suffrage; or Dr. Sally K. Ride, who was the first woman in space, encouraging more girls to be interested in science.

Today, Mr. Speaker, I ask my colleagues to join me in reaffirming our commitment to the celebration of women's history by supporting H. Res. 211, to ensure our grandchildren and great grandchildren learn more about women like Amelia Earhart and, eventually, the first woman President.

Mr. Speaker, I want to thank Chairman TOWNS, Chairman CLAY, and Ranking Member ISSA for supporting this resolution. Let us reflect on the contributions of women. Let us reflect on their place in history, with the hope that the day will come, and soon, when it is impossible to study American history without remembering the contribution of women.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

As cochair of the Congressional Caucus on Women's Issues, it gives me great pleasure to rise in strong support of H. Res. 211, Recognizing March As Women's History Month. I want to thank Congresswoman LYNN WOOLSEY for introducing this resolution, and to acknowledge our own woman Speaker of the House, NANCY PELOSI.

Women's History Month is about recognizing the achievements of women throughout our history, while also acknowledging the significant obstacles they had to overcome along the road to success, and the many we still face. I want to thank President Obama for creating, this month, a high-level White House Council on Women and Girls.

Our women's caucus, which is cochaired by my friend and colleague, MARY FALLIN, is dedicated to addressing those challenges by supporting legislation and developing policies through our eight task forces. And I want to thank my sisters in the House for making history that will lift women and girls in the United States and around the world. We, as the more privileged women of the United States of America, see ourselves as part of an international sisterhood, where women in places like the Congo are facing a weapon of war that is low cost and low tech called rape. We are concerned about our sisters here in the United States who are victims of domestic violence and discrimination in the workplace. We understand all these challenges, but we have seen women throughout history, fierce and strong women, who have stood up to those and overcome those challenges, and we want to acknowledge those women on whose shoulders we stand and to pledge in their memory to go forward on their behalf.

Mr. CLAY. Mr. Speaker, at this time I yield 2 minutes to my good friend from the State of Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. As a vice chair of the Congressional Women's Caucus, I proudly rise today in support of House Resolution 211, honoring the contributions that women have made to history both at home and abroad.

Women have never, ever had it easy, and it is vital that as we continue to move forward, we never forget the contributions of those who came before us. Whether it was Harriet Tubman, repeatedly risking death to lead slaves through the dangers and trials of the underground railroad, or Elizabeth Cady Stanton and Susan B. Anthony organizing, against the wisdom of the day, to convince the male electorate to let women vote, over and over and over again women have stood up and demanded the rights that are due to them. And today, with so much uncertainty in our economy, it is women in households across our country who are pooling together their resources to make sure their families can eat and that their children are on time for school. So let us remember Mother Ruth, Big Mama, Aunt Peaches, and Grandma Helen.

This resolution honors the contributions that women have made through history. But it does more than that. It reminds us of the strength and dignity that we possess in even the most uncertain times, and it urges us to seek out and stamp out injustice against women and their families wherever we see it. I urge support for H. Res. 211.

Mr. CLAY. Mr. Speaker, at this time I recognize my friend from Ohio, the most senior female in the House, Ms. KAPTUR, for 2 minutes.

Ms. KAPTUR. I thank Chairman CLAY for moving this bill forward. I thank him for yielding me time. I want to thank Congresswoman WOOLSEY for her great leadership in introducing House Resolution 211, honoring the contributions of women across history, and certainly here in our great country. I want to thank Congressman ISSA for his support.

I also want to say that we have a long way to go. As far as we have come, we have even further to go. The majority of women's contributions in history have never been recorded. So much of what women have lived has not even been put to pen and to page; and that is no more true than here in the House of Representatives itself.

I was so pleased the other day to walk in the main corridor on the first floor of the Capitol, and to see for the first time in history the portrait of Shirley Chisholm hung in a place where most people who travel here will actually witness the first African American woman ever to be elected to the Congress of the United States, and who campaigned for me in my very first campaign. She left in 1983.

For a very long time, indeed the first 200 years of our country, up until this last decade, the only portrait of a woman hung in this House was of Pocahontas over in the main dome of the Capitol as she saved the life of John Smith around the year 1623. But it wasn't until this last decade where we tried to get the portraits of women hung in this Capitol, and it has proved to be as hard as winning the Revolutionary War.

Mary Norton, the child of Irish immigrants, has finally been hung in the Education and Labor Committee as the first woman to chair a committee in this House, the Education and Labor Committee. She wrote the National Labor Relations Act, No Child Labor, time-and-a-half overtime, minimum wage. And for all those years, from the Great Depression until this past year, her portrait was in a closet here in the Capitol. Imagine that. Jeannette Rankin, the first woman to ever serve from the State of Montana before suffrage was even adopted, never a portrait of her. Finally, it was commissioned. We worked so hard. She is hung up on the third floor as you come off to the visitor's gallery.

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

Mr. CLAY. I yield the gentlewoman another 30 seconds.

Ms. KAPTUR. I thank the gentleman for that time. And, to say, when the Senate saw what we did in the House, they hung a portrait of Hattie Carraway, the first woman elected to the Senate, over on the Senate side.

So the road has been a very long road, even here inside the Capitol, which is supposed to reflect the history of the American people. We know as women, at the founding of our republic, as with slaves, we were considered three-quarters of a person, and it was not until 1920 with adoption of the 19th amendment to our Constitution were we considered full persons. And it was not until the Married Women Property Acts were passed in the State of New York in the late 1800s that in fact women began to emerge from the shackles that had held them in bondage for all of recorded history.

I congratulate my dear friend from California, Congresswoman WOOLSEY. I thank the chairman of the Committee. Thank you for bringing us into the 21st century.

Mr. CLAY. Let me first of all thank the gentlewoman from Ohio for that quick history lesson on women's history in this Capitol. I want to yield to my friend from South Dakota (Ms. HERSETH SANDLIN) for 2 minutes.

MS. HERSETH SANDLIN. Mr. Speaker, I thank the gentleman from Missouri for yielding. I rise in strong support of House Resolution 211, a resolution Supporting the Goals and Ideals of National Women's History Month.

I am proud to be a cosponsor of this resolution, along with many of my colleagues, and would like to thank Congresswoman WOOLSEY for introducing this legislation, recognizing the critical role women have played in shaping the Nation we are proud to call home today.

Women like the pioneers who helped settle the great plains in the West, the women who were the suffragettes working to ensure women's right to vote, the role of so many women on the home front and abroad throughout our Nation's history and serving in our Armed Forces, the important and positive influence of women across the country in the workplace, in public service, and throughout our communities.

Although we have certainly come a long way in ensuring equal treatment of women, challenges do remain. In recognition of the need to address the obstacles women still face, President Obama signed an executive order recently, creating the White House Council on Women and Girls, and I was honored to participate in the signing ceremony at the White House.

Given the number of working mothers in South Dakota, one of the highest numbers per capita in the country, and having recently become a working mother myself, I will be particularly interested in this new council's focus on this aspect of women and families. I am proud of the progress we have made to integrate the stories of heroic American women into the discussion of our Nation's history. I encourage schools and organizations across the country to participate in the celebration of National Women's History Month and make their own unique contribution to the ongoing narrative of the history of women in America.

I would like to thank again Congresswoman WOOLSEY for introducing this important resolution. I thank her for her leadership, and I encourage my colleagues to support the resolution.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize the distinguished gentlewoman from Nevada (Ms. TITUS) for 2 minutes.

□ 1315

Ms. TITUS. Thank you, Mr. Chairman, for yielding.

Today I rise in strong support of H. Res. 211 and National Women's History Month, which this year celebrates women who are taking the lead to save our planet. Women have played a critical role in the fight to protect the Earth as activists, scientists and public servants. In Nevada, many of the early environmental activists, like Tina Nappe, were women inspired to act by their childhood experiences in the beautiful Silver State. They have been joined by respected scientists, such as Dr. Peg Rees, dedicated to finding new ways to protect the desert for future generations.

As public servants, women have also made a significant contribution to saving our planet. In the Nevada legislature, for example, our women members have been ahead of their time, championing issues from renewable energy development, like Sheila Leslie, to smart growth, like Chris Giunchigliani. These many accomplishments are being documented, analyzed and disseminated to the public by the Women's Research Institute at the University of Nevada in Las Vegas under the able direction of Dr. Joanne Goodwin.

But Women's History Month is not only a month of remembrance of the important women of our past. It is an inspiration for the next generation of women and a call for them to continue the fight to leave this precious rock a better place to our children than we found it. So, thank you, Mr. Chairman, and thank you especially, Ms. WOOLSEY, for offering this important resolution that commemorates the 22nd anniversary of National Women's History Month.

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

Mr. Speaker, I believe today as we move this important piece of legislation recognizing Women's History Month that we realize that women have played an important part in both parties and in all the major issues of our time. Certainly when we view Susan B. Anthony through the role she played as a strong women's suffragette and as a strong advocate for women's rights, the right of life, a strong pro-life advocate, we realize that women have played an important role in political decisions, decisions of war and peace and in development of so many things in our country. And they continue to do so today.

So, I would hope that as we recognize Women's History Month, we recognize that women are just as independent in their politics, in their desires and in their beliefs as any man would ever hope to be, and that we not falsely determine that somehow women will save the planet where men won't, or that there aren't women developing innovative solutions including next generation nuclear, wind and solar, and, beyond that, solutions that haven't even been talked about on the House floor.

With that, I reserve the balance of my time.

Mr. CLAY. At this time, Mr. Speaker, I would like to recognize my friend from Florida (Ms. WASSERMAN SCHULTZ) for 2 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, today I rise in recognition of National Women's History Month.

With this year's theme of ''Women Taking the Lead to Save Our Planet,'' I am pleased to recognize the many women who have showed exceptional vision and leadership in the ongoing efforts to save our planet, women like Carol Browner, the White House Coordinator of Energy and Climate Policy, Speaker NANCY PELOSI, the first ever female Speaker of the U.S. House of Representatives, Eileen Collins, the first woman shuttle commander, and Nan Rich, my State senator, who just became the first female Democratic leader in the Florida State Senate in our history. These women exemplify that a woman can do any job a man can do. As we saw during the Presidential election, women like Secretary of State Hillary Clinton showed Americans that women are ready to lead.

My daughter, Rebecca, turned in her fourth grade biography report on Susan B. Anthony this week. She and I learned together about the right to vote and equal access to education for women that she fought for so valiantly but never lived to see. As the mother of two young daughters, it is so important to me that they see strong women taking the lead to repair our world.

As we look to the future and the steps that must be taken to save our planet, women can and will take the lead.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong support of House Resolution 211, a bill to support the goals and ideals of National Women's History Month.

I would like to send a tribute out to all of the women trailblazers who have contributed so much to our country. And I think St. Patrick's Day is the perfect time to remember them! I would like to begin by sending a very special thank you to former Congresswoman Pat Schroeder of Colorado; Congresswoman Carrie Meek of Florida; and Congresswoman Barbara Kennelly of Connecticut; and to some of the women Members who I had the honor to serve with in this body and recently passed: The Honorable Stephanie Tubbs-Jones of Ohio; The Honorable Julia Carson of Indiana; and the Honorable Juanita Millender-McDonald of California.

I would also like to discuss a few of the women who served as mentors to me over the years. I remember growing up in Jacksonville, back in the civil rights era in the United States. And I knew I wanted to do something—get involved in something big—to make a difference. And I was inspired by a strong willed woman, Ms. Gwendelyn Sawyer Cherry, who would stop at nothing to change the terrible ills that our society, and in particular, African Americans, were facing in that time period.

Ms. Sawyer Cherry was the first African-American woman to practice law in Dade County, Florida, and became one of the first nine attorneys who initially served at Legal Services in Greater Miami in 1966. She was elected as a state representative in 1970, becoming the first African-American woman to serve as a legislator for the State of Florida. She was elected to four terms and served until 1979.

During her term, she introduced the Equal Rights Amendment in Florida, chaired the State of Florida's committee for International

Woman's Year in 1978, and co-authored Portraits in Color. I thank you, Ms. Sawyer Cherry, for all you have done for our nation and for the state of Florida.

And the last woman I would like to mention is a very near and dear friend of mine; an African American woman who served with me both in the Florida state legislature and came up to Washington with me in 1993. I am referring to, of course, Ms. Carrie Meek of Miami.

The granddaughter of a slave and the daughter of former sharecroppers, she spent her childhood in segregated Tallahassee. She then went on to graduate from Florida A&M University in 1946, at a time when African Americans could not attend graduate school in Florida, so she was forced to travel North to continue her studies and ended up graduating from the University of Michigan.

Ms. Meek went on to become a Florida state representative in 1979, and was the first African American female elected to the Florida State Senate in 1982. As a state senator, Meek served on the Education Appropriations Subcommittee, and her efforts in the Legislature also led to the construction of thousands of affordable rental housing units.

In 1992, Congresswoman Carrie Meek was elected to the U.S. House of Representatives from Florida's 17th Congressional District. This made Ms. Meek, along with myself and Congressman ALCEE HASTINGS, to serve as the first black lawmakers elected to represent Florida in Congress since Reconstruction. Upon taking office, Ms. Meek was faced the extreme task of helping her district recover from Hurricane Andrew's devastation, and her efforts helped to provide $100 million in federal assistance to rebuild Dade County.

As a powerful and hard working Member of the appropriations committee, Congresswoman Meek became a leader on issues from economic development, to health care funding, to education and housing. She also passed legislation to improve Dade County's transit system, their airport and seaport; construct a new family and childcare center in North Dade County; and fund advanced aviation training programs at Miami-Dade Community College. In recent times, the Honorable Carrie Meek has worked to become a civil rights advocate for senior citizens in the Miami area, as well for the Haitian community in South Florida.

In closing, I want to thank these pioneers, those who have led the way for our daughters today and in the future.

Ms. GIFFORDS. Mr. Speaker, I am honored today to celebrate March as National Women's History Month with my support of H. Res. 211, ''Supporting the Goals and Ideals of National Women's History Month.''

Women make up only 17% of the 111th Congress—that is abysmal given that we make up more than 50 percent of America's population. In the private sector, women CEOs are also in the minority. According to a 2008 census by Catalyst, among fortune 500 companies, only 2.4 percent are women. We can do better. More voices of women are needed in our boardrooms, courtrooms and in the halls of Congress.

In my home state of Arizona, women have been trailblazers. This year, Arizona became the only state in the nation to have three female Governors in a row: Jane Hull, Janet Napolitano and Janice Brewer. In 1998, Arizona became the first state to elect women to all five of its top offices, dubbed the ''Fab Five.'' Additionally, Sandra Day O'Connor, the first women to serve on the United States Supreme Court, hails from the great state of Arizona.

All of these strong, independent leaders embody the true spirit of Arizona women: self-reliant, hard-working and determined.

I also want to pay tribute to the countless organizations and coalitions that work tirelessly to improve the lives of women and girls throughout Southern Arizona.

I am proud to celebrate National Women's History Month by recognizing the increased awareness and knowledge of women's involvement in history.

Mr. ISSA. Mr. Speaker, I would like to yield back the remainder of my time.

Mr. CLAY. At this time, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 628

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

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted local rules for patent and plant variety protection cases.

(B) EXCEPTIONS.—The Director may only designate a court in which—

(i) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(ii) at least 3 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal, by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

(f) AUTHORIZATION FOR TRAINING AND CLERKSHIPS.—

(1) IN GENERAL.—In addition to any other funds made available to carry out this section, there are authorized to be appropriated not less than $5,000,000 in each fiscal year for—

(A) educational and professional development of those district judges designated under subsection (a)(1)(A) in matters relating to patents and plant variety protection; and

(B) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

(2) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes. The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this bill will create a pilot program to help enhance district court expertise in patent cases. The United States patent system leads the world in its strength and effectiveness. For over two centuries, the incentives for innovation it supports have helped create the world's strongest economy. But to ensure that it continues to play this role, we must be mindful of whether it is working as efficiently as it could be and whether we can improve it.

In recent years, concern has arisen over the expense and duration of patent litigation, as well as the lack of consistency in the patent decisions that are handed down by district courts. This bill should help address both of those concerns. It is widely believed that the lack of experience and expertise that most district court judges have with respect to patent and plant variety protection cases is responsible for the wide divergence in their decisions in these cases and their high rate of reversal on appeal.

This bill establishes a pilot program to enable interested judges in certain district courts to gain increased expertise in adjudicating complex and technical patent and plant variety protection cases. This will create a cadre of judges who gain advanced knowledge of patent and plant variety protection through more intensified experience in handling the cases, along with special education and career development opportunities.

This should bring greater predictability in patent and plant variety protection decisions, as well as greater efficiency in the processing of all cases. The bill also sets forth reporting requirements to Congress, which will help us guide our future efforts to further improve the patent system.

H.R. 628 has bipartisan support in the Judiciary Committee and broad support from the patent bar and affected industry and trade groups. In 2006 a nearly identical bill, H.R. 5418, was reported by the Judiciary Committee and passed the House under suspension. The legislation passed the House again under suspension in the last Congress.

I urge my colleagues to join me in supporting it now.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is widely recognized that patent litigation is too expensive, too time consuming, and too unpredictable. H.R. 628 addresses these concerns by authorizing a pilot program in certain United States district courts to promote patent expertise among participating judges. The need for such a program becomes apparent when one considers that less than 1 percent of all cases in U.S. district courts are patent cases and that a district court judge typically has a patent case proceed through trial only once every 7 years. These cases require a disproportionate share of attention and judicial resources, and the rate of reversal, unfortunately, remains unacceptably high.

The premise underlying H.R. 628 is that practice makes perfect, or at least better. Judges who regularly focus on patent cases can be expected to make better decisions.

Introduced by our colleagues DARRELL ISSA and ADAM SCHIFF, this bill is identical to legislation that the House passed unanimously under suspension of the rules in the last two Congresses. H.R. 628 requires that the Director of the Administrative Office of the Courts to select six district courts to participate in a 10-year pilot program that begins no later than 6 months after the date of enactment.

This bill requires the director to provide the Committees on the Judiciary of the House of Representatives and the Senate with periodic progress reports. These reports will enable Congress and the courts to evaluate whether the pilot program is working, and, if so, whether it should be made permanent.

Mr. Speaker, this is a creative bill that will improve the application of patent law. I want to really take a moment to thank again Mr. ISSA, the gentleman from California, for this creative idea coming up with this bill, and also for his personal expertise. Mr. ISSA actually holds 37 patents, which I suspect is far more than any other Member of Congress has ever held in the history of this institution, so he knows whereof he speaks. It is no surprise he has come up with this very productive and constructive piece of legislation. And we are very pleased he is also a leader on the Judiciary Committee as well.

I urge my colleagues to support this legislation.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. ISSA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from California will control the balance of the time.

Mr. JOHNSON of Georgia. Mr. Speaker, first I would like to thank the gentleman from California (Mr. ISSA) for his leadership on this bill. It has been his bill for four sessions of Congress. That tells you how much we need to do in order to do something we should have done a while ago. So I'm glad to support you on this, Mr. ISSA.

Also I thank the ranking member of the Judiciary Committee, Mr. LAMONT SMITH of Texas, for his work in bringing this bill to the floor in the 111th Congress.

Mr. Speaker, I yield 3 minutes to the honorable gentleman from California, ADAM SCHIFF.

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, I want to join in acknowledging the leadership of my colleague, DARRELL ISSA from California, in developing this bill. He has fought hard for it for several years now. We are hoping this is the time we succeed. We have a deep interest in improving the efficiency of the patent process, in taking a lot of the costs out, some of the litigation costs and the inefficiencies in the patent review, and also by improving the quality of patents. We are at present trying to work on those broader patent reforms. We hope we can succeed with those. This bill is a win-win situation. Through it, we can expand upon the knowledge and expertise of the courts that decide patent issues. We can allow the courts to identify judges that have an interest in this area and that want to engage in further education to improve the quality of decision making.

Unfortunately, these cases are often very complex. The result is that you get decisions that are too often reversed on appeal. So to the degree that we can encourage some specialization in the district courts, improve the cost quality of decisions in the court process, we can reduce costs and we can improve the process.

□ 1330

So I think that this pilot project is a very important step forward.

Again, I want to congratulate my colleague. I know how hard he has worked on this. It is good to have somebody with the experience of getting a patent himself. I have some fabulous patent ideas, multimillion-dollar ideas. I haven't gotten them patented yet. But when I do, I want to make sure that there is a good, efficient system. And should anyone have the unmitigated temerity to actually challenge one in court, I want judges who are well educated and understand that my patent is valid and any claim to the contrary is without merit.

I congratulate my colleague, thank him for his superb work, and urge my fellow colleagues to support the bill.

I rise today in support of H.R. 628, legislation that will enhance expertise in patent cases among district judges, provide district courts with resources and training to reduce the error rates in patent cases, and help reduce the high cost and lost time associated with patent litigation.

I joined my colleague Mr. ISSA in introducing this legislation because I believe this proposal will provide us with valuable and important insight on the operation of patent litigation in the federal court system.

In the 109th Congress, the Judiciary Subcommittee on Courts, the Internet, and Intellectual property held a hearing on improving federal court adjudication of patent cases in response to high rates of reversal at the Federal Circuit. At this hearing, a number of proposed options to address this issue were discussed. Serious concerns were expressed with a number of proposals, including those that would create new specialized courts and those that would move all patent cases to existing specialized courts.

These concerns centered around the need to maintain generalist judges, to preserve random case assignment, and to continue fostering the important legal percolation that currently occurs among the various district courts. Our proposal aims to avoid these pitfalls.

H.R. 628 establishes a mechanism to steer patent cases to judges that have the desire and aptitude to hear such cases, while preserving the principle of random assignment in order to prevent forum shopping among the pilot districts.

The legislation will also provide the Congress and the courts with the opportunity to assess the program on a periodic basis. Reports will examine whether the program succeeds in developing greater expertise among participating District judges, the extent to which the program contributes to improving judicial efficiency in deciding these cases, and whether the program should be extended, expanded or made permanent.

By providing our courts with the resources they need to carefully consider patent cases, we will ultimately save the American taxpayer money.

The legislation has been passed by the House in the 109th and 110th Congresses. We are pleased that companion legislation has been introduced by Senator SPECTER, and we hope that the other body will act on this proposal this Congress.

While this legislation is an important first step at addressing needed patent reforms, I believe that Congress must continue to work on a more comprehensive reform of our patent system. I look forward to continuing my work with my colleagues in the Judiciary Committee and in Congress to address these issues.

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

I want to thank my partner in this bill, ADAM SCHIFF. For three Congresses in a row, we have worked together and enjoyed a luxury of riches. The bill passes unanimously on suspension, only to be not quite broad enough to appeal to some people in the Senate. I think many of those questions were worked out by agreement in the last Congress, and I believe we have a real chance of moving this bill into law in this Congress.

I thank Mr. JOHNSON and the ranking member, HOWARD COBLE, for both being cosponsors of this bill. I believe we have made some technical adjustments that will inspire not just the three districts of California, but also Massachusetts, New Jersey and some of the other major areas in which these types of legislation have run into a lot of problems, particularly the fact that we have amended the bill to support those jurisdictions which adopt local rules even if they would otherwise not be eligible that would allow for this type of specialization.

On that word, I want to make sure that everyone in the Congress understands, on both sides of the dome, that when we say specialization, we are not trying to create a specialty court; just the opposite. We are trying to save the district court as we know it. I have had a number of patents properly adjudicated both as a defendant and as a plaintiff, and what I have discovered is that the judges, given the tools at the district court level and given the opportunity to practice more frequently, or at least having at least one judge who has practiced more frequently, they will adjudicate these cases properly. They will make good Markman decisions, and they will in fact understand the nuances of patent. Without that expertise lying in each of the district courts, particularly the large ones, we undoubtedly will continue to have cases which get ping-ponged around and which get decided, unfortunately, incorrectly the first time and only decided correctly after they have come back from the Fed circuit.

So as many have called for the creation of a specialty court similar to the appellate court, the Fed circuit, we are trying here through this patent pilot to do just the opposite: to retain at the district court closest to the people the opportunity to have their patents heard, but to provide them the additional tools necessary to do it, and as was said very kindly by both Mr. SCHIFF and Mr. JOHNSON, to give them the frequency of those judges who would like to have that frequency of doing more than one case every seven years. So with that, I again urge passage of this bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, may I inquire as to how many more speakers the gentleman from California has?

Mr. ISSA. I would make myself the last speaker, if the gentleman is prepared to close.

Mr. JOHNSON of Georgia. I am prepared to close if you are.

Mr. ISSA. I yield myself 30 seconds to again recognize that this bill has passed this House overwhelmingly repeatedly. This time I believe we have perfected on a bipartisan basis with a companion, including Senator SPECTER in the Senate, the ability to move this as a separate freestanding bill quickly, and then I look forward to working particularly with ADAM SCHIFF on these many other pieces of legislation and other reforms that we have talked about at length, and of course with the chairman of the subcommittee, Mr. JOHNSON.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 628, the ''Patent Judges Pilot Program in Certain District Courts.'' I urge my colleagues to support this bill. This bill will provide more expertise in skill in a difficult area of law: patent law. Americans hold the patents and patent law as important integral to our very lives. Patents reward ingenuity and creativity.

As the Blackberry litigation demonstrated, deficiencies in the current system have the ability to paralyze America. Indeed, the New York Times noted that ''[something] has gone very wrong with the United States patent system.'' The Financial Times opined that ''[i]t is time to restore the balance of power in U.S. patent law.'' Indeed, there has been a cry for change in the patent system and increased expertise for many years now.

The Constitution mandates that we ''promote the progress of science and the useful arts . . . by securing for limited times to . . . inventors the exclusive right to their . . . discoveries.'' In order to fulfill the Constitution's mandate, we, as Members of Congress, must examine the system periodically to determine whether there may be flaws in the system that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of qualified persons to study patent law. H.R. 628 attempts to correct some of these problems.

H.R. 628 creates a pilot program to increase the expertise of U.S. District Court judges who wish to hear cases that involve issues related to patents or plant variety protection. The bill provides for the designation of not less than 6 United States district courts in at least 3 different circuits to take part in the pilot program. In the designated courts, judges who elect to hear patent or plant variety protection cases will be designated to do so by the chief judge. Cases will be assigned randomly, but undesignated judges may decline to accept patent

and plant variety protection cases. The bill authorizes the expenditure of not less than $5 million per year for up to 10 years to pay for the educational and professional development of designated judges, and for compensation for law clerks with technical expertise related to patent and plant variety protection cases to be appointed by the designated courts.

The high cost of patent litigation is widely publicized. It is not unusual for a patent suit to cost each party upwards of $10 million. Appeals from United States district courts to the Federal Circuit are frequent, in part because of the perception within the patent community that most district court judges are not sufficiently prepared to adjudicate complex, technical patent cases. In 2008, 45 percent of the patent cases that were appealed to the Federal Circuit were reversed in whole or in part or vacated and remanded. This bill seeks to promote consistency among United States district courts by increasing the expertise of district court judges, thus providing for more certainty in intellectual property protection.

Taken together, these improvements would bring the American patent system up to speed for the twenty-first century. Instead of remaining a hindrance to innovation and economic growth, the patent system should work for inventors, ensuring America's patent system remains the best in the world and prevents risks to innovation.

I am encouraged by this bill, and I am hopeful that minorities and women take advantage of this pilot program. The patent judges pilot program and pilot program for law clerks provides for the educational and professional development of the designated district judges in matters relating to patent and plant variety protection, and for compensating law clerks with expertise in technical matters arising in patent and plant variety protection cases. This is yet another step that America is taking to ensure that its patent system is the best in the world. I urge my colleagues to support this bill.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

STOP AIDS IN PRISON ACT OF 2009

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1429) to provide for an effective HIV/AIDS program in Federal prisons.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1429

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 ''Stop AIDS in Prison Act of 2009''.

SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this Act referred to as the ''Bureau'') shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(b) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

(c) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this policy.

(d) TIME LIMIT.—The Bureau shall draft appropriate regulations to implement this policy not later than 1 year after the date of the enactment of this Act.

SEC. 3. REQUIREMENTS FOR POLICY.

The policy created under section 2 shall do the following:

(1) TESTING AND COUNSELING UPON INTAKE.—

(A) Medical personnel shall provide routine HIV testing to all inmates as a part of a comprehensive medical examination immediately following admission to a facility. (Medical personnel need not provide routine HIV testing to an inmate who is transferred to a facility from another facility if the inmate's medical records are transferred with the inmate and indicate that the inmate has been tested previously.)

(B) To all inmates admitted to a facility prior to the effective date of this policy, medical personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by medical personnel.

(C) All HIV tests under this paragraph shall comply with paragraph (9).

(2) PRE-TEST AND POST-TEST COUNSELING.—Medical personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by medical personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Medical personnel shall improve HIV/AIDS awareness through frequent educational programs for all inmates. HIV/AIDS educational programs may be provided by community based organizations, local health departments, and inmate peer educators. These HIV/AIDS educational programs shall include information on modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use; prevention methods; treatment; and disease progression. HIV/AIDS educational programs shall be culturally sensitive, conducted in a variety of languages, and present scientifically accurate information in a clear and understandable manner.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written and audio-visual materials shall be made available to all inmates. These materials shall be culturally sensitive, written for low literacy levels, and available in a variety of languages.

(4) HIV TESTING UPON REQUEST.—

(A) Medical personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Medical personnel shall, both orally and in writing, inform inmates, during orientation and periodically throughout incarceration, of their right to obtain HIV tests.

(B) Medical personnel shall encourage inmates to request HIV tests if the inmate is sexually active, has been raped, uses intravenous drugs, receives a tattoo, or if the inmate is concerned that the inmate may have been exposed to HIV/AIDS.

(C) An inmate's request for an HIV test shall not be considered an indication that the inmate has put him/herself at risk of infection and/or committed a violation of prison rules.

(5) HIV TESTING OF PREGNANT WOMAN.—

(A) Medical personnel shall provide routine HIV testing to all inmates who become pregnant.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(6) COMPREHENSIVE TREATMENT.—

(A) Medical personnel shall provide all inmates who test positive for HIV—

(i) timely, comprehensive medical treatment;

(ii) confidential counseling on managing their medical condition and preventing its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Medical care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Medical personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Medical and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Medical and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff and medical and pharmacy personnel shall develop and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Medical personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Medical personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by medical personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.

(8) TESTING, COUNSELING, AND REFERRAL PRIOR TO REENTRY.—

(A) Medical personnel shall provide routine HIV testing to all inmates no more than 3 months prior to their release and reentry into the community. (Inmates who are already known to be infected need not be tested again.) This requirement may be waived if an inmate's release occurs without sufficient notice to the Bureau to allow medical personnel to perform a routine HIV test and notify the inmate of the results.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(C) To all inmates who test positive for HIV and all inmates who already are known to have HIV/AIDS, medical personnel shall provide—

(i) confidential prerelease counseling on managing their medical condition in the community, accessing appropriate treatment and services in the community, and preventing the transmission of their condition to family members and other persons in the community;

(ii) referrals to appropriate health care providers and social service agencies in the community that meet the inmate's individual needs, including voluntary partner notification services and prevention counseling services for people living with HIV/AIDS; and

(iii) a 30-day supply of any medically necessary medications the inmate is currently receiving.

(9) OPT-OUT PROVISION.—Inmates shall have the right to refuse routine HIV testing. Inmates shall be informed both orally and in writing of this right. Oral and written disclosure of this right may be included with other general health information and counseling provided to inmates by medical personnel. If an inmate refuses a routine test for HIV, medical personnel shall make a note of the inmate's refusal in the inmate's confidential medical records. However, the inmate's refusal shall not be considered a violation of prison rules or result in disciplinary action.

(10) EXCLUSION OF TESTS PERFORMED UNDER SECTION 4014(B) FROM THE DEFINITION OF ROUTINE HIV TESTING.—HIV testing of an inmate under section 4014(b) of title 18, United States Code, is not routine HIV testing for the purposes of paragraph (9). Medical personnel shall document the reason for testing under section 4014(b) of title 18, United States Code, in the inmate's confidential medical records.

(11) TIMELY NOTIFICATION OF TEST RESULTS.—Medical personnel shall provide timely notification to inmates of the results of HIV tests.

SEC. 4. CHANGES IN EXISTING LAW.

(a) SCREENING IN GENERAL.—Section 4014(a) of title 18, United States Code, is amended—

(1) by striking ''for a period of 6 months or more'';

(2) by striking '', as appropriate,''; and

(3) by striking ''if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management'' and inserting ''unless the individual declines. The Attorney General shall also cause such individual to be so tested before release unless the individual declines.''.

(b) INADMISSIBILITY OF HIV TEST RESULTS IN CIVIL AND CRIMINAL PROCEEDINGS.—Section 4014(d) of title 18, United States Code, is amended by inserting ''or under the Stop AIDS in Prison Act of 2009'' after ''under this section''.

(c) SCREENING AS PART OF ROUTINE SCREENING.—Section 4014(e) of title 18, United States Code, is amended by adding at the end the following: ''Such rules shall also provide that the initial test under this section be performed as part of the routine health screening conducted at intake.''.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON HEPATITIS AND OTHER DISEASES.—Not later than 1 year after the date of the enactment of this Act, the Bureau shall provide a report to the Congress on Bureau policies and procedures to provide testing, treatment, and prevention education programs for Hepatitis and other diseases transmitted through sexual activity and intravenous drug use. The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this report.

(b) ANNUAL REPORTS.—

(1) GENERALLY.—Not later than 2 years after the date of the enactment of this Act, and then annually thereafter, the Bureau shall report to Congress on the incidence among inmates of diseases transmitted through sexual activity and intravenous drug use.

(2) MATTERS PERTAINING TO VARIOUS DISEASES.—Reports under paragraph (1) shall discuss—

(A) the incidence among inmates of HIV/AIDS, Hepatitis, and other diseases transmitted through sexual activity and intravenous drug use; and

(B) updates on Bureau testing, treatment, and prevention education programs for these diseases.

(3) MATTERS PERTAINING TO HIV/AIDS ONLY.—Reports under paragraph (1) shall also include—

(A) the number of inmates who tested positive for HIV upon intake;

(B) the number of inmates who tested positive prior to reentry;

(C) the number of inmates who were not tested prior to reentry because they were released without sufficient notice;

(D) the number of inmates who opted-out of taking the test;

(E) the number of inmates who were tested under section 4014(b) of title 18, United States Code; and

(F) the number of inmates under treatment for HIV/AIDS.

(4) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of reports under paragraph (1).

SEC. 6. APPROPRIATIONS.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

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

Mr. Speaker, I would like to thank my friends, JOHN CONYERS, the chairman of the House Judiciary Committee, Mr. LAMAR SMITH, ranking member of the House Judiciary Committee, and Mr. BOBBY SCOTT, chairman of the Judiciary Subcommittee on Crime, Terrorism and Homeland Security. Their staffs worked closely with my staff in a bipartisan manner when we drafted this bill 2 years ago, introduced it as H.R. 1943, reported it favorably and passed it on suspension. And they have been strong supporters of it ever since.

More than a quarter century has passed since AIDS was first discovered, yet the AIDS virus continues to infect and kill thousands of Americans every year. Last year, the Centers for Disease Control and Prevention, CDC, released new estimates of HIV infection which proves that the HIV/AIDS epidemic is even worse than we thought. The new estimates indicate that approximately 56,300 new infections occurred in the United States in 2006. This figure is approximately 40 percent higher than CDC's previous estimates of 40,000 new infections every year.

Here in our Nation's capital, health officials just announced that the HIV infection rate has reached 3 percent. That is 2,984 residents per every 100,000 over the age of 15, or 15,120 right here in our capital. This is a rate that exceeds the 1 percent threshold for a severe epidemic, and compares to severely impacted nations in West Africa. This announcement made the headlines in Sunday's Washington Post.

We need to take the threat of HIV/AIDS seriously, and we need to confront it in every institution in our society. That includes our Nation's prison system.

In 2005, the Department of Justice reported that the rate of confirmed AIDS cases in prisons is three times higher than in the general population. The Department of Justice also reported that 2 percent of State prison inmates and 1.1 percent of Federal prison inmates were known to be living with HIV/AIDS in 2003. However, the actual rate of HIV infection in our Nation's prisons is still unknown because prison officials do not consistently test prisoners.

In January of this year, the Journal of the National Medical Association published an article by Dr. Nina Harawa and Dr. Adaora Adimora on ''Incarceration, African Americans and HIV: Advancing a Research Agenda.'' The article confirmed that individuals at high risk for incarceration also tend to be at high risk for HIV infections. Incarcerated populations have a high prevalence of characteristics associated with HIV infection. These characteristics include low socioeconomic status, drug use, multiple sex partners, and histories of sexual abuse and assault.

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

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

The Stop AIDS in Prison Act of 2009 requires the Federal Bureau of Prisons

to develop comprehensive policy to provide HIV testing, treatment, and prevention for inmates in Federal prisons. This legislation will combat and prevent the continued spread of HIV and AIDS among prison populations and the community at large.

Mr. Speaker, there are about 200,000 prisoners in the Federal prison system, but the incidence of HIV and AIDS in the prison system is difficult to measure because not all prisoners are routinely tested.

Mr. Speaker, there is no doubt that the prison population, like the population of America as a whole, includes prisoners who are HIV positive and do not know it. In 2006, a report by the U.S. Department of Justice estimated that over 1 percent of Federal inmates were known to be infected with HIV. The United Nations Joint Program on HIV/AIDS and the U.S. Centers for Disease Control and Prevention have historically defined an HIV epidemic as occurring when the overall percentage of disease among residents of a specific geographic area exceeds 1 percent. That means that the percentage of prisoners who carry the HIV/AIDS virus may have reached epidemic proportions.

The occurrence of HIV and AIDS cases in Federal prisons is at least three times higher among prison inmates than it is among the United States population as a whole.

H.R. 1429 requires routine testing of all Federal prison inmates upon entry and prior to release. For all existing inmates, testing will be required within 6 months of enactment. This reasonable requirement will enable prison officials to reduce HIV/AIDS among inmates and provide counseling, prevention, and health care services for inmates who are infected with the disease.

For those prisoners tested when they enter prison, testing will ensure that they receive adequate treatment, education, and prevention services while incarcerated. Similarly, it is important that prisoners are tested shortly before release into the community so adequate services can be coordinated for the prisoners after release. That in turn will protect the community that they then reside in.

I believe in thorough punishment for criminal offenders because the public deserves to be protected; but we have a duty to treat prisoners humanely and to prevent the spread of HIV/AIDS, not just within the prison populations, but to the populations they return to.

Mr. Speaker, I would like to thank my colleagues on the Judiciary Committee and particularly Congresswoman WATERS for her work on this legislation. She has led the way, she has pushed hard, and she, with Ranking Member LAMAR SMITH, bring this bill today with broad bipartisan support. As was said earlier, this bill passed by suspension in the last Congress, and we would hope that it passes early and is signed into law at the earliest possible date. H.R. 1429 remains an important piece of legislation yet undone by this Congress from the previous Congress.

I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, Dr. Harawa's and Dr. Adimora's article also pointed out that incarceration could provide a window of opportunity for reaching at-risk individuals and providing them testing, treatment, and prevention services for HIV and AIDS. Unfortunately, these services are not consistently available in the correctional system.

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HIV testing is not required upon entry and prior to release from Federal prisons, nor is testing required in most State prisons.

Treatment for HIV/AIDS in the correctional system is often limited by lack of expertise among prison health providers and inadequate access to HIV pharmaceuticals.

Finally, HIV prevention programs are not available in a consistent or complete fashion throughout the entire correctional system. That is why we need to pass the Stop AIDS in Prison Act today. The Stop AIDS in Prison Act requires the Federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates in Federal prisons.

This bill requires the Bureau of Prisons to test all prison inmates for HIV upon entering prison and again prior to release from prison unless the inmate absolutely opts out of taking the test. Inmates who test positive will be given comprehensive treatment during their incarceration and referrals to services in the community prior to release. All inmates, regardless of their test results, will be given HIV prevention education.

We are honored to have the support of many of the prominent HIV/AIDS advocacy organizations for the Stop AIDS in Prison Act. These include; AIDS Action, The AIDS Institute, the National Minority AIDS Council, the AIDS Healthcare Foundation, the HIV Medicine Association, the Latino Commission on AIDS, AIDS Project Los Angeles, Bienestar, a Latino community service and advocacy organization, and the AmASSI National Health and Cultural Centers, another community service and advocacy organization. The Board of Supervisors of the County of Los Angeles, which has been severely impacted by HIV/AIDS, has also expressed support for this bill.

In conclusion, the Stop AIDS in Prison Act will help stop the spread of HIV/AIDS among prison inmates, encourage them to take personal responsibility for their health, and reduce the risk that they will transmit HIV/AIDS to other persons in the community following their release from prison.

I would like to thank my colleagues who have been involved, especially my colleague from California who is on the floor today in support of this legislation.

I would urge all of my colleagues to support this important legislation.

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

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

I think the gentlelady made such a good point that, in fact, we have an obligation to recognize that individuals will return to our community, and they need to return healthier than they came in. So the requirements in this bill, both for testing on the way in and testing on the way out of prison, are so important.

Mr. Speaker, under Governor Pete Wilson, I had the honor to serve on his prison board for the Prison Work Program. What I discovered in prison is exactly what the gentlelady from California is alluding to, that we often incarcerate without doing the other things that should be done—education programs, work programs, drug and alcohol detoxing programs, and, yes, recognizing that good physical and mental health are essential, that we have to make sure that people who are being prepared to leave prison are being prepared to not return to prison.

So I join with the gentlelady in support of this effort, like so many others that she has championed over the years.

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

Ms. WATERS. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman has 13½ minutes remaining.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentlelady from California, the Chair of the Congressional Black Caucus, BARBARA LEE.

Ms. LEE of California. I thank the gentlelady for yielding. But also, let me thank you for making sure that we stayed on point as it relates to HIV/AIDS. And I have to just stop and take a minute and help recall some of this history.

Actually, when I was first elected in 1998, you were chairing the Congressional Black Caucus at that point. And you recognized what this HIV/AIDS epidemic was doing in our country, especially in the African American community.

I remember you called a meeting—I think you gave us maybe 2 or 3 days, but the seriousness of this warranted that. People came from all over the country. And we talked about what we needed to do, and we sounded the alarm.

Under your leadership, we developed the Minority AIDS Initiative. And I must say, you insisted then that it be comprehensive, and it must be complete, and it must be funded. I believe at that point we were able to get maybe $150, $157 million; drop in the bucket, maybe, but yes, it was a major step in the right direction. We are still trying to get up to $650 million for the Minority AIDS Initiative.

But having said that, let me just say, in terms of the comprehensive nature

of what we talked about then and what you insisted on, we said that any AIDS strategy had to be seen from the perspective of prevention, care, and treatment. In fact, we talked about the disproportionate numbers of African Americans being infected and affected and how the resources should be targeted to the communities in most need.

Fast forward to Toronto, Canada, to the HIV/AIDS International Conference. And I'll never forget this—and I have to say this because today is really a milestone, I think, in Congresswoman WATERS' work around this—we were there with the NAACP, we were there with all of our black AIDS organizations. And you whispered to me, you said, I'm getting ready to do something that's very controversial; some folks may not like it, but are you with me? I said, ''Yes, ma'am.'' You said, ''We're going to do a mandatory testing bill.'' And we talked about it. And you made it public at that conference, and you said you were not going to rest until this is done. You talked about the bill in concept, in terms of stopping AIDS in prison, because you were talking about the rates of infection with regard to African American women and what is taking place in prisons and how all of our heads really are in the sand about this, we just didn't want to deal with it at all. But you were determined that all of us—the NAACP, all of our groups—were going to deal with it. Some said it was going to be impossible to do because of mandatory testing requirements. We talked about how to deal with that, and you found a way, and that is, by allowing anyone who wants to opt out to opt out.

I always have to say, Congresswoman WATERS, that you always insist on doing this work—if we have to do it out of the box, we will, but where there is a will, there is a way. I think today really just demonstrates that where there is a will, there is a way. And with the bipartisan support now on H.R. 1429, with our President supporting the development of a national AIDS strategy and a national AIDS plan, I have a lot of hope.

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

Ms. WATERS. I yield to the gentlelady as much time as she may need to continue this wonderful talk she's giving.

Ms. LEE of California. I have to say I am really excited today because I have a lot of hope. When you look at the numbers in the District of Columbia, for instance, what, 33 percent new infections for African American women? When you look at what is happening around the country and when you look at the disproportionate rates of African American men in prison, you can't help but be thankful today that this bill is on the floor, and with bipartisan support we're going to move it off the floor. Because I think that if we really are being for real about tackling this, we have got to do it, and we have got to require what this bill requires in our prisons.

I just have to say today, on behalf of my constituents, where we declared a state of emergency in 1999 in the African American community in Alameda County, on behalf of the entire country, thank you very much. It is a very hopeful day.

I urge support of this bill, and look forward to our continuing work and getting it to President Obama's desk so he can sign this into law.

Mr. SMITH of Texas. I am pleased to be original co-sponsor of H.R. 1429, the ''STOP AIDS in Prison Act of 2009.''

The Stop AIDS in Prison Act of 2009 requires the federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment and prevention for inmates in federal prisons.

This legislation will combat and prevent the continued spread of HIV and AIDS among the prison population and the community at large.

There are about 200,000 prisoners in the federal system. But, the incidence of HIV and AIDS in the prison population is difficult to measure because not all inmates are routinely tested.

In a 2006 report, the Justice Department estimated that over one percent of federal inmates were known to be infected with HIV. The United Nations Joint Program on HIV/AIDS and the U.S. Centers for Disease Control and Prevention have historically defined an HIV epidemic as occurring when the overall percentage of disease among residents of a specific geographic area exceeds one percent.

That means that the percentage of prisoners who carry the HIV/AIDS virus may have reached epidemic proportions.

The occurrence of HIV and AIDS cases in federal prison is at least three times higher among prison inmates than it is among the United States population as a whole.

H.R. 1429 requires routine HIV testing for all federal prison inmates upon entry and prior to release. For all existing inmates, testing is required within six months of enactment.

This reasonable requirement will enable prison officials to reduce HIV/AIDS among inmates and provide counseling, prevention, and health care services for inmates who are infected with the disease.

For those prisoners tested when they enter prison, such testing will ensure that they receive adequate treatment, education and prevention services while incarcerated.

Similarly, it is important that prisoners are tested shortly before release into the community so that adequate services can be coordinated for the prisoner after release. That, in turn, will protect the community.

I believe in tough punishment for criminal offenders because the public deserves to be protected. But we have a duty to treat prisoners humanely and to rehabilitate them.

To me, preventing the spread of HIV and AIDS among prisoners is an essential part of humane treatment and rehabilitation.

I would like to thank my colleague on the Judiciary Committee, Congresswoman WATERS, for her work on this legislation. Ms. WATERS and I worked together on earlier versions of this bill in previous sessions of Congress. She has been an energetic partner in this effort.

I would also like to thank Chairman CONYERS for helping bring this legislation to the House floor today.

As my colleagues will recall, the House passed a version of this bill last Congress by voice vote. The bill was placed on the legislative calendar of the Senate, but it was never acted upon. It is my hope that the Senate will pass H.R. 1429 during this Congress.

I urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1429, ''Stop AIDS in Prison Act of 2009.'' I want to thank my colleague Congresswoman MAXINE WATERS of California for introducing this legislation.

Mr. Speaker, I strongly support H.R. 1429, which designed to address the growing impact that HIV/AIDS is having on minority communities. According to the Black AIDS Institute, Centers for Disease Control and Prevention (CDC) statistics reveal that African Americans account for half of all new HIV/AIDS cases. Racial and ethnic minorities comprise 69 percent of new cases, according to the 2005 data released by the CDC. African-American women account for the majority of new AIDS cases among women (67 percent in 2004); whereas white women account for 17 percent and Latinas 15 percent. The CDC estimates that 73 percent of all children born to HIV infected mothers in 2004 were African American. HIV/AIDS is now the leading cause of death among African Americans ages 25 to 44—deadlier than heart disease, accidents, cancer, and homicide.

The CDC reported that Hispanics accounted for 18 percent of new diagnoses reported in the 35 areas with long-term, confidential name-based HIV reporting in the United States, and that most Hispanic men were exposed to HIV through sexual contact with other men, followed by injection drug use and heterosexual contact; and that most Hispanic women were exposed to HIV through heterosexual contact, followed by injection drug use.

According to the Bureau of Justice Statistics, African Americans made up 41 percent of all inmates in the prison system at the end of 2004. Since African Americans are disproportionately represented in jails and prisons, the Stop AIDS in Prison Bill is one way to begin addressing this problem.

The ''Stop AIDS in Prison Act of 2009'' directs the Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates in federal prisons and upon reentry into the community. The bill would require initial testing and counseling of inmates upon entry into the prison system and then ongoing testing available up to once a year upon the request of the inmate, or sooner if an inmate is exposed to the HIV/AIDS virus or becomes pregnant. Furthermore, the Bureau of Prisons will be required to make HIV/AIDS counseling and treatment available to prisoners, and give testing and treatment referrals to prisoners prior to reentering the community. The bill protects the confidentiality of prisoners, and allows prisoners to refuse routine HIV testing.

Finally, the bill contains a requirement that the Bureau of Prisons report to Congress, no later than one year after enactment, the number of inmates who tested positive for HIV upon intake; the number of inmates who tested positive prior to reentry; the number of inmates who were not tested prior to reentry because they were released without sufficient notice; the number of inmates who opted-out of taking the test; the number of inmates who

were tested following exposure incidents; and the number of inmates who were under treatment for HIV/AIDS.

I urge my colleagues to support H.R. 1429 because we must reverse these costly trends. Currently, the only cure we have for HIV/AIDS is prevention.

Had the bill gone through regular and been marked up, I was planning on offering an amendment that would permit those infected with HIV to elect, on their own volition, to be housed separate from the general population as long as the prison had the facilities. This way, those infected with HIV could be housed in safety.

The HIV/AIDS pandemic is indeed a state of emergency in the African-American and Hispanic community. We must use all resources necessary to defeat this deadly enemy that continues to devastate the minority community. As Americans, we have a strong history, through science and innovation, of detecting, conquering and defeating many illnesses. We must and we will continue to fight HIV/AIDS until the battle is won.

Mr. Speaker, I strongly support H.R. 1429, ''Stop AIDS in Prisons Act of 2009,'' and urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Mr. Speaker, incarceration rates in the United States have skyrocketed through the years. Approximately 2.3 million Americans are incarcerated and more than 1 in 100 American adults were incarcerated just at the start of 2008. Although the actual rates of HIV/AIDS infections in our nation's prisons are not known due the fact that current prison officials do not consistently test their prisoners; we see how this epidemic is effecting our nation and especially devastating the African American community.

An estimated 20 percent–26 percent of all Americans living with HIV/AIDS are incarcerated at some point and are frequently incarcerated during the course of their disease. Persons at risk for incarceration are more likely than others in our nation to be at high risk for HIV/AIDS infections especially related to risky behavioral practices and characteristics. These risk characteristics include minimal education, drug use, low socioeconomic status, multiple sex partners, a high prevalence of sexually transmitted infections, and histories of sexual abuse and assault. This also renders those in prison who are infected to become vulnerable to a whole range of other diseases. In custody HIV transmission occur through sexual activity, needle-sharing for drug injection, tattooing with unsterilized equipment, and contact with blood or mucous membranes through violence.

Incarceration is a crisis among African Americans. Research and data show that African Americans are disproportionately more likely than any other racial and ethnic group to be at risk for incarceration. In fact African Americans constitute just 13 percent of the American population but make up 44 percent of all prison and jail inmates. I am sure it is not surprising to see the correlation between this statistic and also the statistics that show that African Americans account for the majority of new AIDS cases, the majority of new HIV infections, and the majority of HIV deaths. The prevalence of HIV/AIDS in incarcerated men and women is 3–5 times that of the general population.

Particularly affected by the HIV/AIDS epidemic in incarcerated populations are African American women. The most astounding news is that prisons are the only setting in the United States where HIV prevalence is higher in females than in males, with approximately 2.6 percent of female and 1.8 percent of male state prison inmates known to be HIV infected. Further, African-American women make up two-thirds of newly reported HIV cases in females overall and 34 percent of all female inmates' cases.

In attempt to counter many assumptions, a number of published case studies and a smaller number of retrospective cohort studies have described cases of HIV transmission in U.S. inmates that occurred during incarceration. These studies only suggest that the incarcerated population needs to be fully included in HIV/AIDS prevention and treatment efforts. There must be a change in people's attitudes and the way we promote positive health initiatives through our federal prison systems.

I, therefore, rise today in strong and unwavering support of H.R. 1429, The Stop AIDS in Prison Act, which would require routine HIV testing for all federal prison inmates upon entry and prior to release from prison, provide inmates with education and treatment, and reduces the risks they may pose of transmitting HIV/AIDS to others in their communities after their release.

We all should support H.R. 1429 and ensure that incarcerated and ex-offender populations have access to adequate and realistic HIV prevention methods, receive voluntary and confidential HIV testing and are rolled into adequate HIV/AIDS-related care, treatment and services.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I would like to thank Congresswoman BARBARA LEE for rushing to the floor to participate in the presentation of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 1429.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN ''BUD'' HAWK POST OFFICE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 955) to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 955

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

SECTION 1. JOHN "BUD" HAWK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, shall be known and designated as the ''John 'Bud' Hawk Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John 'Bud' Hawk Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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

Mr. Speaker, as a member of the House subcommittee with jurisdiction over the U.S. Postal Service, I am pleased to present for consideration H.R. 955, a bill to designate the U.S. postal facility located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John ''Bud'' Hawk Post Office.''

Introduced by Representative JAY INSLEE on February 10, 2009 and reported out of our full committee by voice vote on March 10, 2009, H.R. 955 enjoys the support of the State of Washington's entire House delegation.

A long time resident of Bremerton, Washington, Sergeant John ''Bud'' Hawk received the Medal of Honor, the U.S. military's highest commendation, from President Harry S. Truman on July 13, 1945. Following his military career, Sergeant Hawk continued his devotion to public service by serving as a longtime educator in Bremerton, Washington.

In April of last year, Sergeant Hawk was again honored for his bravery during World War II as he was presented with a Medal of Honor flag at Olympia's Capitol Rotunda by Brigadier General Gordon Toney, Commander of the Washington Army National Guard.

Mr. Speaker, Sergeant Hawk's service stands as a testament to the brave men and women that have served and continue to serve our Nation at home and abroad. And it is my hope that we can further honor this distinguished veteran through the passage of H.R. 955.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise today in strong support of this bill designating the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John ''Bud'' Hawk Post Office Building.''

Bud Hawk embodies, in every sense, the word ''hero.'' In June of 1945, President Truman placed a Congressional Medal of Honor around John ''Bud'' Hawk's neck on the Capitol steps in Olympia in his home State of Washington. With this bill, we are honoring John again, this time in the Nation's Capitol, and this time not only for his heroic efforts in World War II, but for his lifetime of service.

John first earned the Nation's gratitude and respect during World War II when his heroism was instrumental in destroying two enemy tanks and forcing the surrender of more than 500 enemy combatants in August of 1944.

Sergeant Hawk showed fearless initiative and heroic conduct, even while suffering from a painful wound. Under heavy enemy fire, John ran back and forth toward the enemy in order to give the American tanks correct targeting directions. John sacrificed his already wounded body to act as a human firing director for the American tanks. His action came at the end of the Battle of Normandy. In gratitude for his help in the liberation of their country, John was awarded France's Legion of Honor in 2007. John also received four Purple Hearts for four separate times he was wounded during his enlistment.

But John's heroics did not end when he returned home from World War II. A longtime teacher and principal in Bremerton, Washington, he has been a familiar face who has had tremendous impact on countless schoolchildren in his community. To this day, he remains a personal hero of his students for the humility and strength of character that he has instilled. That strength of character and humility is embodied in John Hawk and is, today, the reason that we recognize him as a hero and Medal of Honor recipient, and a lifetime hero to children in his home community.

□ 1400

I urge my colleagues to support this bill that demonstrates our gratitude for the life and contribution of John ''Bud'' Hawk, from his heroics in the battlefield to one might say his heroics in the classroom.

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

Mr. CLAY. Mr. Speaker, at this time I yield 4 minutes to my good friend from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would commend this resolution to the House. This really is a great American story of truly a great American hero.

John ''Bud'' Hawk is a son of Rollingbay, Washington. He grew up playing with his sister around the post office we're about to name in his honor in the little community of Rollingbay, Washington. And he's a fellow who answered the Nation's call in the 1940s and was a hero in the 1940s, but was a hero for several decades to the students he educated. And I just want to commend him for both of those acts of heroism.

My colleagues have talked about why he won the Congressional Medal of Honor, and I have to tell you if you actually read this, you would be mightily impressed by a fellow who on one day at the Battle of the Falaise Gap essentially with his machine gun squad destroyed two enemy tanks while he was already severely wounded and, after he was severely wounded, leading to the surrender of hundreds of German prisoners, still refused medical treatment. He was a hero several times in 1 day, and he was then injured three more times during World War II, and we still honor him for that.

But I want to just highlight something that he earned not in 1 day but he earned the honor and affection of hundreds, if not thousands, of people in our community.

After he got back from World War II, he came home and got a degree in biology. He worked for 7 years to do that, and he started teaching fifth and sixth grade, first at Tracyton Elementary in Bremerton and later at nearby Brownsville Elementary. He eventually became a teaching principal and taught classes while he was running the school. He served 31 years as an educator and retired in 1983 as principal of Woodlands Elementary in Bremerton.

And I just want to read something that a lot of people feel in our community of Bainbridge and Bremerton, something a former student of Mr. Hawk's wrote in a University of Washington Alumni magazine, recalling 1 year he spent as Mr. Hawk's student. This former student wrote:

''Ascribe it to my then youthful impressionableness, if you will, but John Hawk was then and remains still a personal hero of mine for the humanity and strength of character he taught his students, along with the more mundane subjects of math, science, and history. I count myself fortunate to have spent that year as his student. And I relish the opportunity all these years later to say what I at age 11 didn't know to say: For both a year of education and for your lifetime of service to your country and to humanity, thank you, Mr. Hawk.''

So on this day of honoring Mr. Hawk by naming the Rollingbay Post Office in his honor, we want to say thank you, Mr. Hawk.

I know Mr. ISSA noted the bagpipes we heard just a few moments ago. They were honoring a great Irishman who's now President, President Barack Obama. All of the Irish are celebrating John ''Bud'' Hawk's celebration. There is a young lad, a young Irishman, named Brody in Bainbridge Island. He's honoring Bud.

Thank you, Mr. Hawk. And thank you for the country in passing this resolution.

Mr. ISSA. Mr. Speaker, I yield myself 30 seconds to say from the ''O'Issas'' to the ''Obamas,'' everyone is an Irishman here today. I'm sure there isn't anyone who isn't Irish here today. Perhaps a few with orange but most with green.

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

Mr. CLAY. Mr. Speaker, at this time I urge my colleagues to support H.R. 955.

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

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 955.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REDUCING INFORMATION CONTROL DESIGNATIONS ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1323) to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1323

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 ''Reducing Information Control Designations Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by standardizing and limiting the use of information control designations.

SEC. 3. REGULATIONS RELATING TO INFORMATION CONTROL DESIGNATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) REQUIREMENT TO REDUCE AND MINIMIZE INFORMATION CONTROL DESIGNATIONS.—Each Federal agency shall reduce and minimize its use of information control designations on information that is not classified.

(b) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States shall promulgate regulations regarding the use of information control designations.

(2) REQUIREMENTS.—The regulations under this subsection shall address, at a minimum, the following:

(A) Standards for utilizing the information control designations in a manner that is narrowly tailored to maximize public access to information.

(B) The process by which information control designations will be removed.

(C) Procedures for identifying, marking, dating, and tracking information assigned the information control designations, including the identity of officials making the designations.

(D) Provisions to ensure that the use of information control designations is minimized and cannot be used on information—

(i) to conceal violations of law, inefficiency, or administrative error;

(ii) to prevent embarrassment to Federal, State, local, tribal, or territorial governments or any official, agency, or organization thereof; any agency; or any organization;

(iii) to improperly or unlawfully interfere with competition in the private sector;

(iv) to prevent or delay the release of information that does not require such protection;

(v) if it is required to be made available to the public; or

(vi) if it has already been released to the public under proper authority.

(E) Provisions to ensure that the presumption shall be that information control designations are not necessary.

(F) Methods to ensure that compliance with this Act protects national security and privacy rights.

(G) The establishment of requirements that Federal agencies, subject to chapter 71 of title 5, United States Code, implement the following:

(i) A process whereby an individual may challenge without retribution the application of information control designations by another individual.

(ii) A method for informing individuals that repeated failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(H) Procedures for members of the public to be heard regarding improper applications of information control designations.

(I) A procedure to ensure that all agency policies and standards for utilizing information control designations that are issued pursuant to subsection (c) be provided to the Archivist and that such policies and standards are made publicly available on the website of the National Archives and Records Administration.

(3) CONSULTATION.—In promulgating the regulations, the Archivist shall consult with the heads of Federal agencies and with representatives of State, local, tribal, and territorial governments; law enforcement entities; organizations with expertise in civil rights, employee and labor rights, civil liberties, and government oversight; and the private sector, as appropriate.

(c) AGENCY RESPONSIBILITIES.—The head of each Federal agency shall implement the regulations promulgated by the Archivist under subsection (b) in the agency in a manner that ensures that—

(1) information can be shared within the agency, with other agencies, and with State, local, tribal, and territorial governments, the private sector, and the public, as appropriate;

(2) all policies and standards for utilizing information control designations are consistent with such regulations;

(3) the number of individuals with authority to apply information control designations is limited; and

(4) information control designations may be placed only on the portion of information that requires control and not on the entire material.

SEC. 4. ENFORCEMENT OF INFORMATION CONTROL DESIGNATION REGULATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) INSPECTOR GENERAL RESPONSIBILITIES.—The Inspector General of each Federal agency, in consultation with the Archivist, shall randomly audit unclassified information with information control designations. In conducting any such audit, the Inspector General shall—

(1) assess whether applicable policies, procedures, rules, and regulations have been followed;

(2) describe any problems with the administration of the applicable policies, procedures, rules and regulations, including specific non-compliance issues;

(3) recommend improvements in awareness and training to address any problems identified under paragraph (2); and

(4) report to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Archivist, and the public on the findings of the Inspector General's audits under this section.

(b) PERSONAL IDENTIFIERS.—

(1) IN GENERAL.—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of designation of information, the following shall appear on the information:

(A) The name or personal identifier of the individual applying information control designations to the information.

(B) The agency, office, and position of the individual.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To enable the agency to identify and address misuse of information control designations, including the misapplication of information control designations to information that does not merit such markings.

(B) To assess the information sharing impact of any such problems or misuse.

(c) TRAINING.—The Archivist, subject to chapter 71 of title 5, United States Code, and in coordination with the heads of Federal agencies, shall—

(1) require training as needed for each individual who applies information control designations, including—

(A) instruction on the prevention of the overuse of information control designations;

(B) the standards for applying information control designations;

(C) the proper application of information control designations, including portion markings;

(D) the consequences of repeated improper application of information control designations, including the misapplication of information control designations to information that does not merit such markings, and of failing to comply with the policies and procedures established under or pursuant to this section; and

(E) information relating to lessons learned about improper application of information control designations, including lessons learned pursuant to the regulations and Inspector General audits required under this Act and any internal agency audits; and

(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the agency to reduce the costs and administrative burdens associated with the additional training required by this section.

(d) DETAILEE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—The Archivist, subject to chapter 71 of title 5, United States Code, shall implement a detailee program to detail Federal agency personnel, on a nonreimbursable basis, to the National Archives and Records Administration, for the purpose of—

(A) training and educational benefit for agency personnel assigned so that they may better understand the policies, procedures, and laws governing information control designations;

(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over agencies; and

(C) ensuring that the policies and procedures established by the agencies remain consistent with those established by the Archivist of the United States.

(2) SUNSET OF DETAILEE PROGRAM.—Except as otherwise provided by law, this subsection shall cease to have effect on December 31, 2012.

SEC. 5. RELEASING INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT.

(a) AGENCY RESPONSIBILITIES.—The head of each Federal agency shall ensure that—

(1) information control designations are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''); and

(2) all information in the agency's possession that is releasable is made available to members of the public pursuant to an appropriate request under such section 552.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prevent or discourage any Federal agency from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

SEC. 6. DEFINITIONS.

In this Act:

(1) INFORMATION CONTROL DESIGNATIONS.—The term ''information control designations'' means information dissemination controls, not defined by Federal statute or by an Executive order relating to the classification of national security information, that are used to manage, direct, or route information, or control the accessibility of information, regardless of its form or format. The term includes, but is not limited to, the designations of ''controlled unclassified information'', ''sensitive but unclassified'', and ''for official use only''.

(2) INFORMATION.—The term ''information'' means any communicable knowledge or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the Federal Government.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) any Executive agency, as that term is defined in section 105 of title 5, United States Code;

(B) any military department, as that term is defined in section 102 of such title; and

(C) any other entity within the executive branch that comes into the possession of classified information.

SEC. 7. DEADLINE FOR REGULATIONS AND IMPLEMENTATION.

Regulations shall be promulgated in final form under this Act, and implementation of the requirements of this Act shall begin, not later than 24 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I want to yield 3 minutes to the distinguished chairman of the House Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I would like to thank the gentleman from Missouri for yielding me 3 minutes.

Mr. Speaker, H.R. 1323, the Reducing Information Control Designations Act, introduced by Representative DRIEHAUS, is an important piece of legislation that will improve public access to unclassified information. I am pleased to be a cosponsor of this bill.

This week has been designated as Sunshine Week, and this bill will help bring more sunshine to the Federal Government. Our democracy requires that citizens be able to access information about how their government is working and how it is spending their tax dollars. This bill is the latest step that the Oversight Committee has taken to advance that goal.

In January we passed bills to open up presidential records and information on presidential libraries. The stimulus package requires that all spending information be posted online at recovery.gov, and we are holding a hearing on Thursday to examine how the transparency provisions of the stimulus bill are being implemented. And we are moving forward to obtain information from all Wall Street banks that receive bailout money, including AIG, on how they are spending that money, especially the bonuses. What these Wall Street firms need to understand is that if they are being supported by the taxpayers, which they are, sunshine applies to them also, and we will make that happen.

I would like to thank the gentleman from Ohio (Mr. DRIEHAUS) for taking the lead on this bill and the Chair of the Information Policy Subcommittee, Mr. CLAY, for all his work on bringing sunshine to the government. I also want to thank the ranking member, Mr. ISSA, for working together with us on these sunshine bills.

President Obama has indicated repeatedly that we need more transparency in our government. In almost every speech, he has indicated that. I agree with that goal. And this bill is an important step towards it.

I urge my colleagues to support this legislation. And, of course, on that note I would like to just commend the gentleman from Missouri and, of course, the gentleman from California for their outstanding work.

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

Mr. Speaker, often we bring a bill under suspension that's considered not to be overly important. This one is just the opposite. Transparency in government is an effort that has to be ongoing, and this is an important step. This solution has to be government-wide in order to be effective.

For too long, Mr. Speaker, the Federal departments have insisted on treating information that develops within their agency in a restricted fashion. We need to have government-wide solutions that make the maximum amount of information possible available to the public, and even if it is not available to the public, it must be classified at the most appropriate and lowest level in order to ensure its sensitive treatment.

For that reason I support, with the chairman, this piece of legislation that will reduce or eliminate the proliferation of terms such as ''sensitive but unclassified'' or ''for official use only,'' designations which essentially mean nothing but clearly cause trepidation in the release of documents. Many organizations under the Freedom of Information Act have had to deal with redaction of these comparatively and usually meaningless terms.

So I join with the gentleman from Ohio, the chairman of the full committee, and the chairman of the subcommittee, Mr. CLAY, in asking that this important piece of legislation be moved under suspension because, although important, it is not controversial and its time has come.

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

Mr. CLAY. I want to thank the ranking member, Mr. ISSA, for his remarks.

Mr. Speaker, I want to recognize one of our newest members on the committee, the gentleman from Ohio (Mr. DRIEHAUS) for 5 minutes. And, by the way, this is his inaugural bill on the floor, so I want to congratulate him too.

Mr. DRIEHAUS. A happy St. Patrick's Day to you, Mr. Speaker.

I very much appreciate the comments of the gentleman from Missouri and certainly the comments of Mr. ISSA from California as well as our chairman. This is an important issue, and I appreciate having the support of both the ranking member and the chairman of the committee as we move forward on the Government Reform and Oversight Committee in really looking at how documents are classified in the United States Government.

As was mentioned by the chairman, this is Sunshine Week. And Sunshine Week is about shining the bright light on government to help people better understand what decisions are being made on their behalf because the information is the people's information.

But when we look at the records and we look at the classification of documents in the Federal Government, we find confusion. Since 1979 there have been six separate GAO reports talking about the over-classification of documents; yet nothing has been done by Congress to address this growing problem. Today there are over 107 different classifications. Some of these are official classifications, some of these are pseudo-classifications of documents in every administrative body in the Federal Government.

This bill is about the systemic issue of over-classification and the existence of these pseudo-classifications within the government. The citizens of our Nation have an inherent right to the information that the government collects so long as it's not of a sensitive nature. The bill promotes transparency and government efficiency by promoting a common language within government. It was introduced by Congressman WAXMAN last year, who was chairing the committee, and passed this House without objection.

Specifically, the bill has several components. It instructs the Archivist to create regulations that control what is classified and how it would be classified with the input of agency stakeholders. It provides training for agency employees who classify information. It calls for random audits of these materials by Inspectors General to ensure compliance. It requires personal identifiers to be placed on classified information in order to track and uphold regulations. And it restricts information from being classified that is not of a sensitive nature.

Essentially, Mr. Speaker, what this bill does is it allows the agencies of our government to not only talk with each other, but it allows the people to have access to the information and the decisions being made by their government.

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It is an important step in the right direction. I would only give you one example to prove the point.

In 2008, and I think this was enlightening, there were over 362,000 requests under the Freedom of Information Act to the Federal Government; 121,833 of those requests still remain to be processed, and that is because of overclassification of documents.

It's not about documents of a sensitive nature not being turned over to the public, it is about making information available to the public in an easier fashion. That's what this bill is about.

I appreciate the support of the chairman and the ranking member.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes. I join with the gentleman in his comments and would only anecdotally tell you that this is the tip of the iceberg, and this committee is dedicated to drilling down deeply.

We want to know where our money has gone for TARP, we want to know where stimulus money is spent, both at the contractor and subcontractor level and beyond. We want to make sure that America's taxpayer dollars are well taken care of and transparent.

I will share with you something that perhaps you hadn't known, and that is that our government inflicts more wounds than you have yet seen, and you are going to see more in your time. Just last year I visited a location in Nevada, and since I was flying into Las Vegas people said, ''Oh, are you going to Area 51?'' I had been cautioned that I could not use that term, that that term was unacceptable. So I said, ''Well, I can't tell you. I am just going to Nevada.'' So then when I returned I

googled Area 51, and, of course, I saw detailed maps or detailed photos of everything, including the airfield that perhaps someone would land at, well into that Nevada test range which Google identifies as Area 51.

So I would say that if the gentleman and, of course, the Chair, would continue to work with us on all these matters, we will, on a bipartisan basis, drill down to try to prevent these prohibitions on that, which certainly flies in the face of common sense.

I reserve the balance of my time.

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

Mr. Speaker, as chairman of the Subcommittee on Information Policy, Census, and National Archives, I am pleased to join my colleagues in the consideration of H.R. 1323, the Reducing Information Control Designations Act.

This bill is being considered with an amendment to address some concerns that have been raised with the provision in the bill requiring incentives for individuals who successfully challenge the information control designation. This amendment strikes the language requiring incentives but continues to require a process through which individuals can challenge the information control designation.

Mr. Speaker, H.R. 1323 promotes transparency and government efficiency by promoting a common language within government. Therefore, I urge swift passage of the bill.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1323, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1216) to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1216

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

SECTION 1. LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, shall be known and designated as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I stand and join my colleagues from my home State of Missouri for the consideration of H.R. 1216, which names a postal facility in Chesterfield, Missouri, after Lance Corporal Matthew P. Pathenos.

As stated, H.R. 1216 has the support of the entire House congressional delegation from Missouri but is sponsored by my friend, Representative Todd Akin. The bill was introduced on February 26 of 2009 and was considered by and reported from the Oversight Committee by voice vote on March 10.

As a member of the 3rd Battalion, 24th Marine Regiment, 4th Marine Division, Marine Forces and Reserve out of Bridgeton, Missouri, following in the footsteps of his older brother, Matthew Pathenos enlisted in military service with the hope of helping those who could not help themselves.

Unfortunately, on February 7, 2007, Lance Corporal Matthew Pathenos was killed while conducting combat operations in Fallujah, Iraq. In recognition of Corporal Pathenos' commitment to country and the concept of freedom, Mr. Speaker, I ask my colleagues join me in commemorating the life of this brave Marine by supporting the passage of H.R. 1216.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in strong support of this bill designating the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the Lance Corporate Matthew P. Pathenos Post Office Building.

Marine Lance Corporal Pathenos was a selfless patriot. He was a loving brother, son and friend. As one of his comrades in arms once reflected, ''The best thing about Matt was his ability to wake up every day with a smile and hold it all day long.'' Even through the hardships of war, Matt strove to bring joy to his friends.

A native of Ballwin, Missouri, Matt was an avid golfer and accomplished pilot, earning his flying license at age 14. After graduating from high school in 2003, Matt followed in the footsteps of his older brother and mentor, Marine Sergeant Christopher Pathenos, who had enlisted in the Armed Forces in the wake of September 11.

In the words of one relative, ''For Matty, the motivation was more about Christopher, seeing how the Corps treated him.''

As a member of the 3rd Battalion, 24th Marines, Matthew was one of 80 Marine members of his unit that were attached to a sister unit, the lst Battalion, 24th Marines, for deployment to Iraq in September of 2006.

Tragically, on February 6, 2007, Lance Corporal Pathenos lost his life near Fallujah when his Humvee was struck by an improvised explosive device. His family will always remember him as a smiling young man who ''sang as though no one could hear him and danced as though no one was watching him.''

In a release shortly after the tragic loss, the family captured the sentiments of a grateful Nation. ''Like his brother, Christopher, Matthew was proud to be a Marine and volunteered to serve his country. Matthew paid the ultimate sacrifice for our freedom and the future generations of this country. He loved his country and family, and we will miss him terribly.''

Mr. Speaker, I urge my colleagues to join the chairman and myself in support of this courageous young man and the sacrifice he gave by naming the post office in his honor.

I reserve the balance of my time.

Mr. CLAY. Again, I would like to thank my friend and colleague, Mr. AKIN, for introducing such a thoughtful measure.

I urge my colleagues to vote in favor of renaming the Town and Country Commons Post Office in Chesterfield, Missouri, after Lance Corporal Matthew Pathenos by passing H.R. 1216.

I continue to reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I urge support for this resolution, and I yield back the balance of my time.

Mr. Speaker, I rise today in strong support of H.R. 1216, a bill I introduced to honor the life of Matthew P. Pathenos by designating the post office in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building.'' A resident of Ballwin, Missouri, Lance Corporal Matthew Pathenos was part of the 3rd Battalion, 24th Marine Regiment, 4th Marine Division, of the Marine Forces Reserve. On February 7th, 2007, Lance Corporal Pathenos was killed during combat operations in the Anbar province of Iraq. Matthew was often described by family and friends as a friendly young man who always had a joke to tell and a smile on his face. Matthew decided to join the military in order to follow his older brother into his country's service with the hope of helping those who could not help themselves. Matthew's then girlfriend, Erin, calls Lance Corporal

Pathenos her hero, and wishes she might one day, "posses a fraction of his bravery and discipline."

As the father of two Marines, one of whom has served in Iraq; it is a privilege to stand here today to honor one of our fallen soldiers. Matthew's commitment and dedication to his country is a shining example of how our military men and women are the finest our nation has to offer. His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free but the result of the tremendous bravery and selfless service of men and women willing put themselves in harms way for freedom's cause.

Our nation will be forever indebted to Lance Corporal Matthew Pathenos.

Mr. Speaker, I ask that my colleagues join me today in honoring Lance Corporal Matthew Pathenos.

Vote "yes" on H.R. 1216.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1216.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SMALL BUSINESS ADMINISTRATION EXTENSION

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1541) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1541

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

SECTION 1. EXTENSION.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110–235 (122 Stat. 1552), is amended by striking ''March 20, 2009'' in each place it appears and inserting ''July 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 19, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I might consume.

As our Nation responds to the current economic downturn, small businesses will be central to our recovery. They are the engine of our economy, producing 60 to 80 percent of new jobs, and their role is even more important during recessions.

The fact is, when the job market is tight, many Americans venture out, launch their own enterprises. Following the recession of the early 1990s, small firms generated 3.8 million new positions for American workers, a number that surpassed big business expansion by almost half a million.

That kind of resilience, in the face of economic uncertainty, is a testament to the strength of our Nation. Times may be tough, but the American entrepreneurial spirit is tougher. Today, the House is considering legislation that will extend programs at the Small Business Administration into July.

These programs play a pivotal role in our economy. The SBA guarantees loans that allow new ventures to start and existing firms to grow. It provides counseling and technical know-how to entrepreneurs, and it helps ensure that small firms can obtain their fair share of Federal contracts, something that will be more important as the Economic Recovery Act generates $111 billion worth of new public works projects.

Extending these programs is important, but we must not lose sight of a larger goal. Later this Congress we will pass legislation to modernize the SBA and change the agency's culture. In these difficult economic times, we will need an SBA that can respond effectively. This will require extensive reforms.

Already in this Congress we passed the most significant update to the agency in a decade. With the economic recovery legislation, we made SBA bank loans more affordable for entrepreneurs. We increased the amount of a loan that the SBA can back, further opening up affordable credit for small business owners.

We established a new Small Business Stabilization Financing Program at the SBA, which will provide short-term loans to businesses struggling to meet their existing obligations. We gave the SBA tools it needs to begin unfreezing the secondary market for small business loans.

□ 1430

By reforming and updating the Small Business Investment Company program, we help channel new venture capital to small firms.

Taken together, all of these initiatives will yield $21 billion in new investment and lending for small businesses and save or create 600,000 new jobs.

Earlier this week, President Obama moved to implement many of these changes. I applaud the administration for working quickly. However, this is just the start.

Later this year, the committee will draft a comprehensive rewrite of the SBA. If there has ever been a time for a strong, effective SBA, that time is now. It will be the responsibility of every Member in this House to make sure that we reauthorize these programs properly so the SBA can help Main Street businesses weather this recession and contribute to our economy.

The extension we are voting on today will give us the time to hear from all our colleagues and interested parties as we develop this legislation. I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass H.R. 1541. The bill is very simple. It extends the authorization of all programs operated or authorized by the Small Business Act, the Small Business Investment Act, and any program by the Small Business Administration for which Congress has already appropriated funds. The extension will last until July 31 of this year.

This extension is necessary because the authorization for various programs operated by the SBA ceases on March 20. The Committee has worked in a bipartisan fashion in the last Congress, and we reported out a number of bills to address programs operated by the SBA. Despite the efforts of the House, time in the last Congress expired before the legislative process could run its course.

The work needed to help America's entrepreneurs revitalize the economy simply can't be accomplished by Friday of this week.

Without the enactment of this extension, a number of vital programs that the SBA operates will cease to function. Given the importance that small businesses play, and will continue to play in the revitalization of the American economy, we cannot allow the SBA authorizations to run out.

Enactment of this extension will enable the House and Senate to work in a diligent manner to address the necessary changes to SBA programs. I urge all of my colleagues to suspend the rules and pass H.R. 1541.

I reserve the balance of my time.

VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Thank you, Madam Chair, and thank you, Mr. Speaker. As President Obama said recently, ''small businesses are the heart of the American

economy.'' They are responsible for half of all private-sector jobs, and they've created about 70 percent of all new jobs in the past 10 years.

We need to build our economy from the ground up, create stable jobs, and foster innovation that will lead to long-term growth. To do this, we need to support the small high-tech companies that grow our economy.

The Federal Government supports these innovative small businesses through the Small Business Innovative Research program and the Small Business Technology Transfer Program, which help companies commercialize Federally funded research. The programs now distribute more than $2.5 billion each year and constitute the largest tech-transfer commercialization programs that we have in the Federal Government.

However, these programs must be updated to reflect the current innovation environment. Award sizes should be increased to reflect inflation and the growth of operating costs; the issue of venture capital participation needs to be resolved; flexibility must be instilled between phase one and phase two grants; and data collection needs to be improved so that we can better target the program and determine its effectiveness.

Last year, the House overwhelmingly passed H.R. 5819, which made these necessary changes based on suggestions from hearings in my Technology and Innovation Subcommittee and in conjunction with our work with Chairwoman VELÁZQUEZ and Ranking Member GRAVES. However, good legislation, once again, died in the other Chamber.

Today, we find the House needing to pass an extension to keep these programs alive. This extension is necessary because the SBA and SBIR serve important purposes. But, moving forward, if we are to continue realizing the full value of programs like SBIR, we must reauthorize them with changes that reflect the evolving innovation environment, rather than simply extending the current authorization. It must be an innovation program as well as a jobs and small business program.

At a time when credit is tight and jobs are scarce, SBIR and STTR can have a significant role in jump-starting our economy. The House and Senate need to pass legislation this year that will reauthorize these programs, innovate new products and services, support small businesses, and create well-paying jobs for decades to come.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1541.

The Small Business Administration (SBA) was created in 1953, and has a current business loan portfolio of roughly 220,000 loans worth more than $50 billion, which makes it the largest single financial backer of U.S. businesses. My district is home to these businesses, many of which are struggling to hang tough in this trying economy.

In the 110th Congress, several short-term SBA authorization measures were enacted; the latest was signed into law on May 23, 2008. Under that law, authorization for SBA programs is scheduled to expire on March 20. I am hopeful that President Obama continues the recognition and support for small businesses that he demonstrated yesterday. His leadership, along with that of my colleague NYDIA VELÁZQUEZ on these issues could not come at a more important time.

Small business is frequently viewed as an incubator for employment and economic growth, and is a continuing legislative and oversight concern for Congress due to its constitutional role, through the interstate commerce and general welfare clauses, to promote economic well being and prosperity.

While many analysts believe a very significant percentage of the nation's jobs are created by small businesses, others note that a great many small businesses fail every year thereby eliminating jobs.

The 111th Congress is likely to consider many small business issues as it debates reauthorization the many Small Business Administration (SBA) programs that are scheduled to expire in 2009. Our small business owners need certainty to plan for the future and I will continue to work hard for a more permanent solution to complement the authorizations that many businesses have to endure.

A primary issue in the reauthorization is likely to be the cost to the government of various small business assistance programs. The Bush Administration had proposed that certain loan programs be cut back or eliminated, that borrowers in the SBA's basic loan program be charged higher fees, and that interest rates for disaster loans rise to market levels after five years. I hope that a full review of these policies is underway by the new administration.

Ways to insure that small businesses benefit from economic stimulus programs are likely to be considered. Finding ways for small businesses to provide health insurance to employees could be vital in getting elements of the business community to be actively supporting and working with Congress as we press ahead with legislation on health care. I understand that we in Congress cannot run your businesses for you. I just want to be there to help fashion fair and reasonable legislation that affects small business.

Mr. Speaker, this bill authorizes Small Business Administration programs and authority through July 31 and again it is my hope that we continue to engage the business community as this Congress seeks to move America from recession back to prosperity.

Mr. GRAVES. I would, again, urge my colleagues to support H.R. 1541.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I ask for a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 240, by the yeas and nays;

House Resolution 211, de novo; and

H.R. 628, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes. Remaining votes on outstanding postponed motions to suspend the rules will be taken later.

SUPPORTING PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 240, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 240, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 128]

YEAS—421

Ackerman	Bright	Courtney
Aderholt	Broun (GA)	Crenshaw
Adler (NJ)	Brown (SC)	Crowley
Akin	Brown, Corrine	Cuellar
Alexander	Brown-Waite, Ginny	Culberson
Altmire	Buchanan	Cummings
Andrews	Burgess	Dahlkemper
Arcuri	Burton (IN)	Davis (AL)
Austria	Butterfield	Davis (CA)
Baca	Buyer	Davis (IL)
Bachmann	Calvert	Davis (KY)
Bachus	Camp	Davis (TN)
Baird	Campbell	Deal (GA)
Baldwin	Cantor	DeFazio
Barrett (SC)	Cao	DeGette
Barrow	Capito	Delahunt
Bartlett	Capps	DeLauro
Barton (TX)	Capuano	Dent
Bean	Cardoza	Diaz-Balart, L.
Becerra	Carnahan	Diaz-Balart, M.
Berkley	Carney	Dicks
Berman	Carson (IN)	Dingell
Berry	Carter	Doggett
Biggert	Cassidy	Donnelly (IN)
Bilbray	Castle	Doyle
Bilirakis	Castor (FL)	Driehaus
Bishop (GA)	Chaffetz	Duncan
Bishop (NY)	Chandler	Edwards (MD)
Bishop (UT)	Childers	Edwards (TX)
Blackburn	Clarke	Ehlers
Blumenauer	Clay	Ellison
Blunt	Cleaver	Ellsworth
Boccieri	Clyburn	Emerson
Boehner	Coble	Engel
Bonner	Coffman (CO)	Eshoo
Bono Mack	Cohen	Etheridge
Boozman	Cole	Fallin
Boren	Conaway	Farr
Boswell	Connolly (VA)	Fattah
Boucher	Conyers	Filner
Boyd	Cooper	Flake
Brady (PA)	Costa	Fleming
Brady (TX)	Costello	Forbes
Braley (IA)		Fortenberry

Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Boustany
Dreier
Hinchey
Lucas
Miller, Gary
Olson
Putnam
Shea-Porter
Welch

□ 1507

Mr. BILIRAKIS changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 211.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 13, as follows:

[Roll No. 129]

AYES—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Boustany
Dreier
Gohmert
Hinchey
Lucas
Miller, Gary
Olson
Putnam
Rangel
Ryan (OH)
Shea-Porter
Welch

□ 1515

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 628.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 7, not voting 15, as follows:

[Roll No. 130]

AYES—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—7

Duncan
Flake
Foxx
Johnson (IL)
Lummis
Manzullo
Paul

NOT VOTING—15

Abercrombie
Boustany
Crowley
Dreier
Gutierrez
Hinchey
Inglis
Lucas
Miller, Gary
Olson
Putnam
Shea-Porter
Shuster
Velázquez
Welch

□ 1523

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. INGLIS. Mr. Speaker, on rollcall No. 130, I was unavoidably detained. Had I been present, I would have voted "aye."

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. COURTNEY, Connecticut

Mr. COBLE, North Carolina

CERTIFICATION TO CONGRESS IN ACCORDANCE WITH PROVISIONS OF SECTION 1512 OF STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–25)

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:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify to the Congress that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication, and two dual-motor, dual-shaft mixers to be used to produce carbon fiber and epoxy prepregs for the commercial airline industry is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports,

will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, *March 17, 2009*.

NATIONAL WOMEN'S HISTORY MONTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously I rise to commemorate some special days, St. Patrick's Day to all of my wonderful Irish friends all over the Nation, and certainly to perpetuate the wonderful relationship that we have with the great nation of Ireland.

At the same time, we have the opportunity to celebrate supporting the goals and ideals of National Women's History Month, and I thank my good friend, Congresswoman LYNN WOOLSEY, for offering H. Res. 211, supporting the goals and ideals of National Women's History Month.

There is so much we can say as part of the great history of the women of this country and around the world, but we all should note that women express and exhibit a very special part of American history.

Today, women account for 51 percent of the world's population, and throughout women's time, we have had countless sisters of brilliance. And so I salute them today and say we must stand for the cause of pay equity, and I am excited that one of the first bills that the President signed was pay equity.

I am also excited to note that I offered legislation to support the placement of Sojourner Truth, a suffragette and an abolitionist, in the House of the United States Capitol, and that will be done.

Let me close by simply thanking all of the great women of this Nation, Barbara Jordan and others, for what they have done and what they have contributed to America's history.

HUMAN EMBRYONIC STEM-CELL RESEARCH

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

Mr. LAMBORN. Mr. Speaker, human lives should never be sacrificed for the promotion of science. The very purpose of science is to uphold and protect life. We cannot in one breath say we want to advance science in order to save lives, and in the next support science that devalues the life of the smallest and most defenseless humans. All human life is sacred.

The alternatives to embryonic stem-cell research are vast. There is no reason to force taxpayers to fund research that will destroy human life because the advances we are seeing from adult stem-cell research hold tremendous promise.

To date, there have been 73 treatments for disease ethically using adult forms of stem-cell research while embryonic stem-cell research has failed to provide a single treatment.

There is no one in this Chamber who does not wish to see science advance. But as we progress, we must be mindful that science is best when it is used within ethical boundaries. In our quest for progress, if we compromise the morals that support us, what good will our so-called progress be then?

OUT-OF-CONTROL SPENDING MUST STOP

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

Mr. LUETKEMEYER. Mr. Speaker, families and small businesses all across our country are making sacrifices, yet our government continues to spend like a drunken sailor. And how does Washington propose paying for all this spending? With more tax increases on hardworking families and small businesses, the very businesses that are crucial generators of job creation and economic growth.

The President's budget includes the largest tax increase in history, shouldering our families and small businesses with the cost of an ever-expanding government. Tax increases on small businesses will stifle job creation and economic growth at the very moment our country needs a strong and robust small-business sector to help us get back on solid ground.

The President's cap-and-trade program will increase the cost of energy for all Americans and place a tax of about $3,000 per household in my district for this very program. Hardworking families and businesses all across my district and America are asking: What is going on in Washington? Does it have a clue how we work hard and how we earn our money and what we are doing with it?

This out-of-control spending must stop.

□ 1530

CONGRATULATING CARROLLTON HIGH SCHOOL LADY TROJANS ON STATE CHAMPIONSHIP

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

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize a very talented group of girls from Carrollton, Georgia. The Carrollton High School Girls Basketball team—or the Lady Trojans—defeated a very talented Lakeview-Fort Oglethorpe team 51–31 to claim the Class AAA Georgia High School Association State title this weekend.

The Lady Trojans found themselves down at the half, 24–23. However, Carrollton's defense, led by Karisma Boykin—always helps to have charisma, Mr. Speaker—stole the show in the second half, keeping the explosive Lakeview-Fort Oglethorpe offense scoreless in the third quarter and allowing only seven points in the fourth quarter. As they say, defense wins championships.

Mr. Speaker, we all know that the other thing that wins championships, of course, is hard work and determination, and there was no shortage of that from Carrollton Coach Shon Thomaston and the Lady Trojans.

Mr. Speaker, I ask that my colleagues join me in congratulating the Carrollton High School Lady Trojans on their State championship, as well as all of their hard work that got them there.

PRESIDENT OBAMA SHOULDN'T BE SURPRISED ABOUT AIG BONUSES

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

Mr. BURTON of Indiana. Mr. Speaker, the President showed some real anger about the bonuses that were paid to AIG executives. The problem is, he either knew they were getting the bonuses or he should have because every one of the spending bills that came through this House went through a conference committee, and the White House was deeply involved in what was put in those conference committee reports.

The stimulus package, the TARP bill, every single bill that gave money to AIG and to others went through the scrutiny of the White House. The President is up there today saying, ''Oh my gosh, this is terrible,'' and he shows real anger. Well, if he didn't know about it, he should have; and if he did know about it, he shouldn't be raising Cain about it.

THE REAL AIG OUTRAGE

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

Mr. STEARNS. Mr. Speaker, the previous speaker mentioned the outrage about the bonuses to AIG. That's not the real outrage. The real outrage is that taxpayers have given AIG $173 billion, and this amount of money was then used to funnel out to other financial institutions.

After months of government stonewalling, on Sunday night AIG officially acknowledged where most of the taxpayer funds had been going. Since September 16, AIG has spent $120 billion in cash, collateral, and other payments to banks, municipal governments, and other derivative counterparties around the world. This also includes $20 billion to European banks. We never intended for this money to go overseas; the taxpayers thought it was going to AIG.

This list also includes American charity cases like Goldman Sachs,

which received $13 billion. This comes after months of claims by Goldman Sachs themselves that they did not need the money. Then why take it?

Mr. Speaker, that's the real AIG outrage.

AIG SHOULD PAY BACK EVERY CENT THEY SPENT ON BONUSES

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

Mr. HALL of New York. Mr. Speaker, I was as shocked as all Americans were to learn about AIG, the recipient of more than $170 billion of taxpayer money, paying out more than $165 million in bonuses to its executives. Where I come from, when you run your company into the ground, you get fired, you do not get a bonus.

Seventy-three people at AIG received bonuses of more than $1 million; that includes one bonus of $6.4 million, six more who received more than $4 million each. Eleven people received retention bonuses, that is, bonuses specifically designed to keep valuable employees from leaving the company. Well, you know what? They have already left the company—take the retention bonus and then leave; all this from a company that is 80 percent owned by the taxpayer. The people of the United States are not going to stand for this behavior from these people; neither would I, neither should this House.

AIG should pay back every cent they spent on ''performance bonuses,'' and the only reward they should get for their performance is a pink slip.

FORT DUPONT ICE HOCKEY CLUB

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

Mr. HIGGINS. Mr. Speaker, the first annual Lawmakers versus Lobbyists Charity Hockey Game took place 2 weeks ago on Friday, March 6. The game was played at the Kettler Capitals Iceplex, the practice facility of the NHL's Washington Capitals.

The game was a fundraiser for the Fort Dupont Ice Hockey Club of Washington, D.C. The club is a developmental program that provides local, inner-city youth with an opportunity to participate in an organized ice hockey program.

More than $25,000 was raised for this organization. The Lawmakers team was led by Senator JOHN KERRY, Congressman ANTHONY WEINER—who played goalie with his cat-like reflexes—Congressman PATRICK MURPHY, and me. Also, Bob Fisher, the assistant manager of the Cloak Room, participated in the Members' team.

The Lobbyists were led by Nick Lewis and Jeffrey Kimbell. Lobbyist Captain Nick Lewis and Lawmaker Captain Tim Regan squared off for the ceremonial opening face-off.

The Lawmakers won a hard-earned 6–4 victory in this inaugural contest. The real winners, however, Mr. Speaker, of this game were the kids from the Fort Dupont Ice Hockey Club.

I yield to Mr. MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, it was a great charity event.

There are a lot of challenges facing our country right now where our focus is, but we took time out for the kids to make sure that we raised money. These kids could not afford to play the game of hockey, which really demonstrates and embodies the sense of teamwork and goal setting. It was great to be with those kids, with the first African American NHL player, who was also there. And I would also like to highlight the cooperation of the Washington Capitals.

I would like to say that our colleague from New York (Mr. WEINER), who got the puck of the game, who was our goaltender, a lot of folks did say that he had cat-like reflexes. He reminded me of a young Mike Richter, who most folks understand is a New York Ranger, won the World Cup for Team America that was played at the Wachovia Center in Philadelphia. But Mike Richter is from the suburbs of Philadelphia, and I was proud of that comparison of ANTHONY WEINER to Mike Richter. I sometimes question the athletic ability of Mr. WEINER, but that day he really showed his skill.

Mr. WEINER. Will the gentleman yield so I may defend myself?

Mr. PATRICK J. MURPHY of Pennsylvania. I will yield.

Mr. WEINER. First of all, let me join with my colleagues in expressing the gratitude that we all have to the organizers that helped raise so much money for these kids that play in the inner city. They scarcely have rinks, unlike in Buffalo and some of our communities. It was really a terrific program. I'm glad we were able to do it.

''Lobbyists'' is a dirty word in this town now—and sometimes they played a little dirty on the ice, but we will put that aside because the result was the same.

I just want to say, being a great hockey player in Congress is kind of like being the one-eyed man in the land of the blind; I'm not sure it says all that much. But I want to thank Congressman HIGGINS—who I believe scored two goals; I learned that by watching the news reports and hearing him say it again and again throughout his quotes—and also you, Mr. MURPHY. I have never seen a hockey player skate that slowly, but somehow you managed to get to every puck.

This is a great cause. Let's hope that we do it every 10 or 12 years or so because that's how long it takes us all to recover. I thank you very much for what you have done, and I thank you for persuading me to play in the game. It is true, I am cat-like in the crease. I curl up in a ball and just sleep through the game while you guys did the hard work.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S ECONOMIC POLICY: SPEND, BORROW AND TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, America's new economic policy is real simple; spend a lot of money, borrow a lot of money, and tax everybody, all in an effort to make the United States a country like socialist France. And the method to pay for these high-dollar programs that the administration is now funding is to tax everything, especially energy.

The first part of the ''tax energy plan'' is to tax energy consumption. Now we understand that every homeowner in the United States will be taxed approximately $3,000 a year every year for the consumption of energy in that home. So every time you turn on the lights, you turn up the taxes. You use a little bit of heat to keep warm in the winter, you're going to pay the heat tax, all in an effort to bring revenue in for these high-dollar programs.

There are more ideas to tax energy. One is to increase the gasoline tax—not that we aren't paying enough for gasoline already, now we're going to pay 10 cents more a gallon in the gasoline tax. We use gasoline, we're going to give the government more money.

And then, thirdly, there is the mileage tax that is being proposed. What that means, Mr. Speaker, is for every mile you drive somewhere in the fruited plain, the government is going to track you with GPS, and at the end of the day you are going to get taxed on mileage tax. Being tracked by GPS by the Federal Government sounds a little bit like Big Brother out of ''1984'' to me.

Contrary to some places in the United States, where I come from we don't have mass transit. We don't have choo-choo trains that run and take everybody to work. I have an area made up predominantly of rice farmers, suburban areas, petrochemical areas, and we don't have high-dollar trains like the one that is being built from Los Angeles to Las Vegas, or from La La Land to Fantasy Land. People have to drive work trucks, that's what they drive, but now they are going to be taxed for driving. And of course that is taxing the American worker and the consumer.

And now there are going to be new energy taxes on energy companies—you know, those mean old energy companies that produce energy to keep the lights on in this place and other places, and so we can drive our vehicles and

that sort of thing. But the energy companies are going to pass that tax on to the rest of us. And what that means, you cut through all the taxes, because of the new energy tax on energy companies, every American is going to add 41 cents to their gasoline; in other words, that's passed on to us. You add on the mileage tax, you add on the 10-cent tax for using gasoline, and now we've got another 41 cents that will be passed on to the American consumer.

Now the new cap-and-trade idea—it really should be called cap-and-tax—is sending energy companies packing their bags. Mr. Speaker, what I mean by that is, they're leaving town. The taxes are too high. They're not going to stay here any longer. It's been reported by different media sources that the new country, the new place for energy companies to move is a place called Zug, Switzerland. You've probably never heard of it. You have to look it up on a map to find it. But the tax rate for corporations in that area of Switzerland is 9 percent. The corporate tax in the United States on those energy companies is 35 percent. No wonder they're leaving town. They can't afford to do business in the United States.

□ 1545

The U.S. energy companies are going someplace else because of the overwhelming tax structure here.

Mr. Speaker, the answer is not to tax more but to allow more energy production, novel thought that that is. Rather than run energy companies out of town, maybe we ought to let them expand in the Outer Continental Shelf. That would actually create thousands of American jobs. We wouldn't be sending money overseas to OPEC. We'd keep that money in the United States. We'd keep the lease revenue that those oil companies have to pay for to get that oil out of the Outer Continental Shelf. We'd keep that lease revenue in the United States. And we'd also keep the tax revenue in the United States.

But, Mr. Speaker, the new French economic plan is tax anything that produces in this country, and now we're going to tax energy out of the energy business, including consumers that use energy. I guess next year, Mr. Speaker, we'll all wonder why we're just freezing in the dark because we don't have any energy because it all left town.

And that's just the way it is.

SECURITY CHALLENGES ARISING FROM THE GLOBAL FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, students of history know that hyperinflation in Germany was a significant factor in the rise of Hitler. The economic decay of the Soviet Union led to regime change across Eastern Europe. And a serious economic crisis preceded the French Revolution. So the record is clear that economic crises can have consequences for national security of the highest order. Here in the United States, our economic strength has always been the foundation of our national power and our national security. Economics plays no less important a role in the fate of many other nations.

Knowing this, the House Armed Services Committee decided to explore how the current global financial crisis is affecting national security by holding a hearing last week with a distinguished panel of economic and national security experts. We had been working to hold such a hearing since November, but the urgency of this effort was only emphasized when the Director of National Intelligence, Admiral Dennis Blair, stated in this annual threat assessment that the global financial crisis represents the primary near-term concern for U.S. national security. During our hearing, we learned more about the many ways the world has been thrown into serious turmoil by this sudden global shock and that many if not most of the international consequences are yet to come.

We learned that, at a minimum, the global financial crisis will exacerbate an already growing set of political and economic challenges facing the world. In country after country, the crisis is increasing citizen discontent and anger toward their leaders and providing an excuse for authoritarian regimes to consolidate their power. It distracts and strains our allies and generates conditions that could provide fodder for terrorism. Financial turmoil can loosen the fragile hold that many countries have on law and order and increase the number and size of ungoverned spaces.

While most of the experts we heard from agree that the strongest economies will weather this storm, it is the fragile states that worry me the most. Emerging democracies throughout Eastern and Central Europe, Africa, and Asia will turn to the Western world for support. If we cannot or do not help them, they may be forced into economic alliances of necessity with long-term consequences. When Iceland recently turned without success to its friends in the West, it found a ''new friend'' in Russia. Jamaica has received significant financial assistance from China. The list of countries in critical regions in need of such assistance is long indeed. Economic pressures within European countries might even become so severe as to seriously weaken or unravel the ties that bind the countries of the European Union and NATO Alliance together.

Perhaps most serious, at a time when U.S. leadership is sorely needed, our international credibility is at an unprecedented low. The crisis is causing the emerging nations to question the Western model of market capitalism. Flawed policies, poor decisions, weak regulation, and questionable behavior have led to a widespread perception that American-style capitalism is unsustainable. This perception may be the most corrosive effect of the current crisis.

Mr. Speaker, our response to the global economic crisis must be far reaching and far seeing. We must restore our economy, maintain and enhance our key instruments of national power, including the Department of Defense, and take an approach with the world that reestablishes our credibility and claim to world leadership. We must support our friends and maintain our alliances. We must not become so self absorbed that we fail to recognize our long-term strategic interests. And we must be very clear, in today's world a strong national defense is not a luxury, it is an imperative.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1388, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–39) on the resolution (H. Res. 250) providing for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PLIGHT OF THE IRAQI REFUGEES CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the President has announced a plan to redeploy troops from Iraq, and if you're watching the nightly news or pick up a paper, you might think that the occupation was actually over. But when was the last time you saw a major TV news story from Iraq or some ink at least above the fold about Iraq?

Sadly, the United States' occupation of Iraq is far from over. The need still remains for a stable nation and a stable Iraqi Government that is able to provide basic services and a sense of normalcy and support of the rule of law for everyone in Iraq.

Almost 6 years ago today, the United States military was mobilized in a preemptive attack on Iraq. By now we all know there were no weapons of mass destruction. However, destruction was left in the wake of the invasion. Both the Iraqi and American Governments

must focus on these immediate pressing human needs rather than continuing military presence. A prolonged occupation is not the answer. Prosperity and stability will not come at the end of a gun. We must support reconstruction. We must support reconciliation efforts. And we must find the best way out of Iraq so that we can begin all of this. And the best way is by bringing our troops and military contractors home from Iraq so then we can give Iraq back to the Iraqis and work with them to rebuild reconciliation and to return to their homes.

Families face unimaginable hardships, from widespread violence and suicide attacks to the destruction of their schools, their hospitals, and utility providers. Some of the devastation can be and is actually visible, and it's rubble that still litters the streets and walled-off sections of neighborhoods.

The more difficult picture to capture is that of the refugees. Millions have fled their homes never to return. Nationwide there are between 1.6 million and 2.8 million internally displaced people, refugees who left their homes but not Iraq. According to the International Organization of Migration, only 288,000 have returned home. Refugees International calls this one of the largest humanitarian and displacement crises in the world. They say ''most are unable to access their food rations and are often unemployed; they live in squalid conditions, have run out of resources, and find it extremely difficult to access essential services.''

Mr. Speaker, the Iraqi Government has established a program to reimburse Iraqi families who have lost their homes. Most families get about half of their home's value, and that's when someone can safely come into the area to assess the damage. This process is slow going and will never make these families whole.

But to what are Iraqi families returning? Refugees International found that some Iraqis who have tried to return home have found their homes occupied or destroyed, the likelihood of violence still high, a collapse of social services, and neighborhoods divided into sectarian areas.

Sadly, the U.S. occupation has caused this to happen. But the good news is we have a chance to bring our troops home, give Iraq back to the Iraqi people, and let them have their sovereignty and let them get home to their properties. We need to help them do that. What we don't need to be doing is spending more money on the military occupation in Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

(Mr. HALL of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE AIG CASINO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the AIG Financial Products unit created a casino. At that casino, people were invited to bet on credit default swaps. Smart people went to that casino, the largest financial institutions, the richest and the most powerful in the world. They were smart. They bet against the mortgage market of the United States. They won. But they broke the bank.

Now when ordinary gamblers break the bank, they have to settle for less than their full winnings. But these, as I said, are the most rich and powerful and best—connected institutions in the world, and they want everything the contract calls for. And that is why American taxpayers have provided $170 billion in payments and risk assumption so that these gamblers would be paid.

That is not how capitalism is supposed to work. When you're owed money by an insolvent financial institution, that institution is supposed to be in receivership. Those who have insured accounts or insured life insurance policies get paid; everybody else takes a substantial haircut. But, instead, Wall Street is telling us that there is this sanctity of contract; so they must get every penny that Wall Street is supposed to get under the contract.

Wait a minute. Sanctity of contract? Every bankruptcy, every receivership involves setting aside virtually every contract of the insolvent financial institution. And when Richard Nixon was President, he, through wage and price controls, shredded every wage contract in this country.

Receivership is the way to clean up the balance sheets of our financial institutions. But we're not focused on it because it costs the shareholders, it costs the creditors, it costs management, and they would rather give us a ''solution'' that costs the American taxpayer.

Receivership means that you strip some liabilities off the balance sheet. That is the way to strengthen the balance sheet of our financial institutions. Instead, we're told that the way to improve these balance sheets is to take assets off the balance sheet, albeit the so-called toxic assets. There's nothing the matter with those assets except they're worth less than they used to be. You do not strengthen financial institutions by taking their assets. You strengthen them by putting them in receivership and removing their liabilities.

Now we're focused on the bonuses being paid to the croupiers of this AIG casino. Receivership would have been the clearest way to prevent those payments from being made, but we weren't told about those outrageous bonuses until hours before they were distributed.

□ 1600

Now all that money is in the hands of the executives. No doubt they have got them in Cayman Island accounts as we speak.

Those bonuses should have been disclosed to us, but there is something this Congress can do, and that is through the Tax Code. Impose on the executives of all TARP bailed-out firms a special surtax on that portion of their compensation which is excess.

I think that ought to be the portion in excess of $500,000, excluding restricted stock. That is the exact standard put forward by President Obama for his toughest standard on executive compensation.

That tax could be at the 60, 70, 80 percent level, and those executives who did not want to pay the tax could, instead, return the excess portion of their compensation to their employer. It is important that this tax law apply not only to those who received excess payments in 2009, but also those who received the excess payments in 2008.

We have a precedent for having excess profits taxes. We can have a special tax on excess compensation.

We also, though, need to put AIG and others into receivership because this is the way we can deal, not with the bonuses, which are in the hundreds of millions of dollars, but deal with the tens and hundreds of billions of dollars of taxpayer money that are being disbursed to the wealthiest financial institutions of the world, including tens of billions of dollars going overseas.

In order to get this economy moving again, we need banks and other financial institutions with strong balance sheets. The way to get strong balance sheets is to write down liabilities, not to ''get rid of'' certain assets by calling them toxic assets. It is unlikely that we will pursue this plan because it will lead to substantial losses for the most powerful, richest and best-connected institutions and individuals in this country, but it is the way for us to go forward.

I look forward to working with my colleagues to getting to a plan that serves Main Street, not Wall Street.

SECOND AMENDMENT RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I come this afternoon to the House of Representatives to bring a message from Kansans and those who support the Second Amendment.

The United States Supreme Court ruled last year that the Second Amendment guarantees an individual's right to own firearms and that Washington DC's gun ban is unconstitutional. This decision was a win for all Americans and sent a message to governments across the country in support of Second Amendment freedoms.

Unfortunately in recent weeks we have heard from administration officials and gun control advocates that they are pushing to restrict an individual's gun rights, the rights guaranteed by our Constitution. Discussing escalating violence caused by drug cartels in Mexico, U.S. Attorney General Eric Holder last month called for reinstating the so-called assault weapons ban.

This is the wrong approach. Instead of punishing law-abiding American gun owners, our citizens, our country should be working to enforce existing gun laws that outlaw illegal purchases. We should secure our borders, and we should work to increase the cooperation between the United States and Mexican authorities.

Many Kansans are also concerned about H.R. 45, legislation that has been proposed to license gun owners and track firearms sales. I am hopeful that this bill does not have the support to be approved by this Congress.

An article in today's Wichita Eagle, our newspaper at home, highlights an ironic twist. The article reports that news of gun control efforts, along with concerns that crime will increase with a troubled economy, has ramped up the demand for firearms and ammunitions. Shortages are now common as retail stores are having trouble keeping guns and ammunition on the shelves.

I want to restate that our Founding Fathers established a Bill of Rights to our Constitution to make sure that American citizens can live in freedom without government intrusion. Human liberty and limited government are principles I hold in high regard.

I stand with Kansans in opposing efforts that violate the Second Amendment, and I will continue to cast my votes where it's necessary to protect our rights, including those provided for by the Second Amendment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SALUTING 290TH MILITARY POLICE COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Mr. Speaker, I rise today to honor the 290th Military Police Company of Adelphi, Maryland. Earlier this month I had the honor of attending a welcome home ceremony for the soldiers.

In June of 1948, the ''Defenders'' received their original Federal recognition and were activated several times during the 1960s and 1970s to quell civil disturbance in Cambridge, Salisbury and Baltimore, Maryland. In 1990, the 290th was mobilized both in support of Operation Desert Shield and of Desert Storm.

On September 11, the 290th was again called to service to secure the crash site at the Pentagon while rescue and recovery operations took place. From there, the 290th was mobilized under Operation Noble Eagle for homeland defense.

The 290th was again called upon to help support Operation Enduring Freedom in Afghanistan. During the mission, the 290th provided force protection for key air bases, including those in Pakistan.

In 2005, when Hurricane Katrina devastated the gulf region, once again the 290th was sent to Mississippi to assist local law enforcement with emergency and relief operations. And, again, in October 2007, the 290th was once again mobilized and deployed in support of Operation Iraqi Freedom. This is a unit that has been asked to serve our Nation all over the world and right here at home, and each time it has responded to the call of duty valiantly and honorably. But now, deservedly, they are home.

Our Nation's greatest strength is the men and women who selflessly give of themselves to defend our ideals, and their families, who make sacrifices every day while their loved ones are in harm's way. I salute the 290th military police company and welcome them home, and pledge to be an advocate for them and all veterans of our Armed Forces.

Celebrating the valor of our Armed Forces is one thing, but here in Congress we must put our money where our mouth is and support the men and women of our Armed Forces, their families and our veterans, or we are merely providing lip service to them.

Mr. Speaker, I submit for the RECORD the members of the unit from Maryland's First Congressional District, who served so honorably.

Name, Rank, City:

Benitez, Luis Enrique, Jr, SPC, Bel Air, MD 21014; Fowler, Allen Mitchell, SGT, Bel Air, MD 21014; Sullens, Jeffrey Lee, SGT, Belcamp, MD 21017; Frederick, Robert, SPC, Preston, MD 21655; Zimmerman, Maria Masha, SPC, Preston, MD 21655; Wood, James Spencer, SPC, Cockeysville, MD 21030; Smack, Derrick Clinton, SPC, Delmar, MD 21875.

Dixon, Kassey Craig, SPC, Elkridge, MD 21075; Dixon, Kim Craig, SGT, Elkridge, MD 21075; Saunders, James Junior, 1SG, Hanover, MD 21076; Baschogeorge, Franklyn L, SGT, Jessup, MD 20794; Buckingham, Victoria Kathari, SGT, Laurel, MD 20708; Sadler, Brandon Anthony, SPC, Port Deposit, MD 21904; Ward, John Allen, SPC, Port Deposit, MD 21904.

Clayton, John Joseph, SSG, Annapolis, MD 21409; Tull, Thomas David, SSG, Severn, MD 21144; Windisch, Catherine Anne, SSG, Annapolis, MD 21409; Blevins, Richard Earl, SGT, Hebron, MD 21830; Calhoun, Susan Mabel, SGT, Delmar, MD 21875; Cannon, Anitra Chantal, SPC, Crisfield, MD 21817; Dixon, Joel Harrison, SPC, Salisbury, MD 21804.

Henley, Tony Mario, Jr, SPC, Pittsville, MD 21850; Houston, Martin Lee, Jr, SPC, Ocean City, MD 21842; Insley, Amber Joy, SPC, Princess Anne, MD 21853; Marvin, Andrew Michael, SGT, Salisbury, MD 21804; Richards, Johnathan, SPC, Pocomoke, MD 21851; Hunter, Christy Lynn, SGT, Crisfield, MD 21817.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Speaker, while I was running for Congress last year, I noticed that Democrats everywhere were campaigning on the notion that they were fiscally responsible and would make wise decisions for our country based on what we could afford.

Frankly, as the former mayor of Johnson City, Tennessee, who has grown accustomed to balanced budgets and living within our means, this sounded pretty good. It made me excited to come to Washington and get our financial house in order.

My excitement, however, was short lived when I realized how thoughtlessly we would spend a billion dollars. First we approved the second $350 billion of the Troubled Asset Relief Program, which is what people back home and I call a bailout of our banking institutions. Then we approved $787 billion for what was called economic stimulus, but what was in reality a laundry list of spending items the Democrats hadn't been able to get funded the past few years and won't produce sustainable economic growth.

Just when I thought things couldn't get worse, we went out and passed a fiscal year 2009 omnibus spending bill that included $410 billion and an 8 percent increase for our Federal agencies. I am going to pause for a second and let that sink in, an 8 percent increase at a time of record deficits where local county, city and State governments are cutting and balancing budgets.

I think the American people are so skeptical of what's happening in Washington because what they see people in

Washington do is disconnected completely from reality. The reality is in Johnson City, Tennessee, they are asking their agencies to fund a 5 percent cut over last year's budget.

All over America, families and State and local governments are tightening their belts and making do with what they have. Only in Washington do we respond to a huge drop in tax receipts by spending even more money.

Now the administration has proposed a $3.9 trillion budget, which will be 27 percent of gross domestic product of this country. This will create the largest Federal Government since World War II.

This budget is especially troubling because it's coupled with tax increases, and our job creators have to pay for it. The math of these policies seems to be more government spending, plus higher taxes, equals more jobs and economic growth.

If this equation seems questionable to you, I'm right there with you. This budget spends too much, taxes too much and borrows too much.

I think the American people are beginning to question everything they hear being done in the name of economic stimulus and recovery. They heard ''fiscally responsible'' during the campaign and assumed that meant we would be looking for savings from ineffective programs and keep income in families pockets where it's most needed. They are getting just the opposite.

My House Republican colleagues prefer a simpler strategy that has proven effective time and time again. First you want to leave the money in the hands of the families to decide how to spend their own money. We proposed lowering the lowest two tax brackets from 15 to 10 percent and 10 to 5 percent respectively.

We would like to create tax incentives for small businesses, the engines of our economy, to create these jobs. We believe it's important to eliminate taxes on unemployment insurance, which will help those who have lost their jobs stay afloat until they find a new job.

And I believe we should invest in our transportation, water, education, and infrastructure. As a fiscal conservative, I generally don't like deficit spending unless future generations will get to enjoy the benefit of the spending.

By leaving a lasting infrastructure in place, our children will be able to enjoy the benefits, even if they are asked to pay for some of the costs. While I am hopeful we can consider these commonsense solutions, the fact is Republicans are in the minority. We don't have the ability to stop these harmful policies from going forward, only President Obama, and Democrats and Congress can.

I urge the American people to ask President Obama and his Democratic colleagues to fulfill their campaign promises of fiscal responsibility and stop these tax increases and wasteful spending, and help restore our economy, which is still the strongest in the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OUTRAGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I found it almost comical today, as I watched both on the floor and from my office, as one Member after the other has come to these podiums all across this Chamber, and they pounded on their desk, and they have screamed and they have all used the same word, ''outraged.''

They are outraged over the $165 million in bonuses that AIG has paid and the $90 million that AIG has paid to European banks and Wall Street investment firms. But I am outraged about something different. I am outraged that they are outraged, and the reason is because I am only one of 17 Members out of 435 Members who voted ''no'' on every single one of these so-called stimulus and bailout packages, for one reason: we didn't think it would work.

Mr. Speaker, as we were trying to raise our hands and just ask intelligent questions about them, we were finding that people were ignoring the rules and they were rushing them through, that there was a whole set of people out there screaming and yelling, if you just didn't pass this bill in this form, the sky was going to fall and the world was going to come to an end, and they pushed these bills through without legislative analysis. While we were trying to just tell people what was going on and simply ask the question nobody wanted to hear, they just wanted to pass the bills.

Mr. Speaker, I have a suggestion: just read the bills. If we had read those bills, we would know what most of the analysts are telling us now, and that is that it would take 100,000 to 250,000 government bureaucrats just to monitor where this money is going and how it's going to be spent.

And instead of coming to the podium and pounding it and saying how outraged they are, wouldn't it be novel if they came and just said ''we are wrong. We admit we are wrong. We are not going to make those mistakes again.''

But, Mr. Speaker, coming here and saying you are outraged is not some kind of get out of political hot water free card. In fact, it's like a sitcom. Imagine this situation: a husband goes out in this economic situation, buys an expensive new boat.

A few weeks later, the bill comes in the mail, and his wife opens it up. And she is steaming and seething and looking at how they are going to pay this payment.

And he walks in, and he looks at her, and she throws it across the table. And he picks up the bill, and he looks at it, realizes he can't make those payments, looks at her steaming and mad, and all of a sudden he pounds the table and he says, ''Honey, I am outraged over this bill that I am having to pay.'' And that's where Congress is finding itself today.

Mr. Speaker, we wouldn't run our businesses that way. Only the government and AIG run theirs that way. We have a lot of people calling our offices and saying ''What can I do?''

Well, here's what you can do. Go find out how people voted and then call them up and ask them why.

The second thing we can do is make sure we are going to stop this bailout madness and then simply do this. Before we take more options away from our children and grandchildren by mortgaging their future, let's simply ask these four questions: Where is the money actually going? How do we know it's going to get there? Will it work once it arrives? And how will we pay it back?

□ 1615

Mr. Speaker, I would submit that perhaps if we do that, next time there will be more than 17 of us justified and actually coming to the podium, beating on it, and saying we are outraged.

CAP-AND-TRADE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 5 minutes.

Mrs. CAPITO. Thank you.

I rise today to talk about the President's program for cap-and-trade. I'd like to take just a few minutes to explain it a little bit and talk to people about what this is really going to mean to them.

I represent the State of West Virginia. But here in the United States, coal is our most abundant resource. We have recoverable reserves that are sufficient for at least 250 years. Coal currently fuels 50 percent of all the electricity generated in this country.

In my home State of West Virginia, 98 percent of our electricity comes from coal. Our State has abundant resources. We give, and we turn on the lights in America.

There's been a lot of discussion surrounding the future of coal in this global warming debate. The first thing we need to remember is that anything we do, whether or not it's climate change, is inextricably linked with energy policies that are going to cascade across the environmental, economic, and social issues of the day.

So cap-and-trade. It sounds nice. Cap emissions and then trade away. What does that really mean?

It means, basically, a tax increase on carbon dioxide emissions that will lead to a reduction in energy use. That sounds good. But it will also lead to an enormous erosion of America's family budget. This will tax every single American and tax those who are in most difficulty and who have most difficulty making ends meet.

The administration's budget calls for a 100 percent auction of allowances under a cap-and-trade system to reduce greenhouse gas emissions. Sounds good, doesn't it?

The President's ''cap-and-tax'' proposal will impose mandates and further regulations on manufacturing and will dramatically increase the cost of energy and electricity. This proposal will create a great transfer of wealth between coal-dependent States like West Virginia and those that rely on alternative resources, with no change in the ultimate environmental outcome of the cap-and-trade policy and a huge estimated GDP loss.

I think there's one thing we know here in this time and right now is that a solid economy is the best way to innovate and create and solve problems that we need help with.

So you say, Where does the money come from? If you're going to trade and buy, where does the money come from? That money will come from the individual consumer because the manufacturers, the electricity producer, all the folks who are going to be trading allowances are going to have to find that money somewhere, and it's going to be tacked on as a form of an energy tax to every single American.

Under the Lieberman-Warner legislation of last year, the EPA estimated a rise in electricity costs between 44 and 79 percent. In West Virginia, the price of our electricity would go up between 103 and 135 percent. That is going to hurt folks on fixed incomes, our elderly, and it's going to hurt the poor the most, who cannot afford the huge chunk out of our budgets that energy takes right now.

The revenue returned to consumers from the President's budget, he says he's going to give money back to folks to help them meet this high cost. But that is not even close to covering the increase in household electricity costs.

When the President was a candidate, this is what he said, ''What I've said that if we would put a cap-and-trade system in place that is more—that is as aggressive if not more aggressive than anyone else's out there, so if somebody wants to build a coal-powered plant, they can, it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted.''

Remember, the State of West Virginia, 98 percent of our electricity is generated by coal.

Manufacturing output will fall considerably if the President's plan goes through. The whole idea is to tax the consumer, to bring down emissions, and no consideration has been made as to what this is going to do to the rank-and-file everyday citizen.

What is the job loss? In West Virginia, under Lieberman-Warner—and I realize that's not the President's bill. The President's bill is even broader reaching than this one. The estimation of the job loss is between 7,000 and 10,000 jobs between now and the year 2020.

Addressing climate change concerns is a global challenge requiring global solutions. We need common sense. We need to slow down here because unilateral action by this Congress and by the United States will have no impact, or very little impact on global emissions but will also have a great impact on our economy and on our citizens.

We need to innovate and use technology. We could use the development of advanced clean coal technologies; most importantly, CCS, or carbon capture and storage technologies.

We need technology to push as hard and fast as we can. I urge caution. We need to slow down. For the sake of my constituents and those in States like mine, we should not forget this as our debate moves forward.

KEEPING PROMISES MADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. We've heard a lot about AIG and how they shouldn't have been getting those bonuses they got—$165 million—but let's take a real objective look here.

These executives took one of the biggest, most important companies in the world, in the country, and they ran it into the dirt. They bankrupted a lot of other companies. But they didn't have to go into bankruptcy because they convinced the government to come in with taxpayer dollars and give them $173 billion.

Now that's pretty extraordinary. They still have their jobs. Why wouldn't they get a bonus? Good night. You run a company into the dirt and then talk the government into giving you $173 billion in taxpayer dollars, that's deserving of something, and apparently somebody thought it was worth a bonus.

Well, the fact is they shouldn't have gotten bonuses. They should have been in receivership. But I keep looking for people to finally keep the promises that they have made.

We heard that we were going to get change that people could believe in. We saw with the bailout back in September what some of us knew was a horrible mistake, and we said it then.

Even though I am a Republican, I was looking forward to change from the deficit spending. Yet we have just gotten more and more and more of the same. When are we going to get change? Isn't it about time we quit the deficit spending? It would sure be nice.

We were told that there would be no more lobbyists in this administration. I liked the sound of that. It sounded good. Well, it turned out he meant no lobbyists except for the ones they actually hired to be part of the administration.

We were told there would be new ideas in this administration; we'd go in a new direction; we'd have change. But then we got a Secretary of the Treasury that is given credit for thinking of a lot of the plan that Paulson had, even though I still haven't been able to figure out what plan that was.

So we didn't get change. We're getting more of the same. More and more of the deficit spending. When are we going to get the change?

We have heard from the majority over and over again for the last 4 years that deficit spending is bad. I agreed with them my first 2 years here, 2005 and 2006. So when they took the majority, I thought, Well, the good news is they'll finally stop this ridiculous deficit spending. But they didn't. It got worse and worse and worse.

Then when they found that there was a President from the same party, instead of together, since they control the House, the Senate and the White House, to completely bring an end to deficit spending, it's just gotten worse and worse.

This madness has to stop. We are blessed right now with a President who's one of the most gifted communicators I have ever seen in my lifetime. But what we are finding is that true leadership is not going to be found between the lines in a Teleprompter. You can look at the Teleprompter, you can read from it, but that is not where leadership is.

I heard right here from that podium, Mr. Speaker, at the State of the Union last month these words: ''We're going to assure the continuity of a strong, viable institution that can serve our people and our economy,'' and President Obama said, ''I understand that on any given day, Wall Street may be more comforted by an approach that gives banks bailouts with no strings attached, and that holds nobody accountable for their reckless decision. But such an approach won't solve the problem.''

He went on to say, ''This time, CEOs won't be able to use taxpayer money to pad their paychecks or buy fancy drapes or disappear on a private jet. Those days are over.''

And then here we come the following month—there were no strings attached—to say, You know what? You ran this company in the ground. You don't get a bonus with taxpayer dollars.

I'm kind of outraged over that. Like my friend, Mr. FORBES, I'm kind of outraged that people are outraged they didn't stop this, when some of us—you go back to some of our comments on this very floor—we said, Read the bill. It's a problem.

Well, it's time for true change. Let's get what we should have and not what people talk about.

CONSIDER THE FAIR TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. I'm here to support the Fair Tax. The current U.S. Tax Code is too big, too complicated, and benefits too many special interests, and must be replaced with a code that is fair and encourages savings and investment.

This code has been amended tens of thousands of times, my colleagues, and it's grown to over 60,000 pages, possibly more. For this, and many other reasons, I rise in support of the Fair Tax and urge my colleagues to consider this new tax simplification program.

The Fair Tax will eliminate Federal income taxes, corporate income taxes, payroll taxes, capital gains taxes, the alternative minimum tax, and the death tax, and replace it with a flat, simple and efficient consumption tax.

Mr. Speaker, Ronald Reagan hit the nail on the head when he described the government's basic view of the economy as: ''If it moves, tax it. If it keeps moving, regulate it. If it stops moving, subsidize it.''

Unfortunately, Mr. Speaker, this burdensome view taken by our government has resulted in the current problem we face today, where citizens and business owners across this country devote billions of hours and billions of tax dollars just to navigate the process of paying their Federal income tax.

A simpler Tax Code may have prevented former Senator Daschle or current Secretary of the Treasury Geithner the embarrassment of having to explain their failure to properly pay the taxes due to the complicated IRS tax system.

I know many of my constituents in the Sixth Congressional District are aware of how this simple tax reform will work when implemented. They have written numerous letters to me and voiced their support at many town meetings.

I thought I'd take a moment this afternoon to lay out the basic principles of this legislation for those who are not familiar with the Fair Tax.

The Fair Tax will do away with all Federal taxes such as income tax, the death tax, as I mentioned, all the way down to the estate tax. Basically, many Americans with low incomes will receive a check at the beginning of each month from the Federal Government that will cover the cost of the consumption tax on necessary goods, thus increasing the purchasing power of low-income individuals and completely avoiding any unintended tax increase on their purchasing power.

Furthermore, a study conducted by Harvard economist Dale Jorgenson illustrates that roughly 22 percent of the retail price of an item is the direct result of the cost our current Tax Code places on a product through payroll taxes, business taxes, business taxes, compliance costs, and other taxes.

Therefore, by paying an additional consumption tax, we will be able to fund our entire government, and the taxpayer can keep 100 percent of his hard-earned paycheck. This would lead to increased savings, increased investment, and Americans, not the Federal Government, would decide how to best utilize their wealth.

In addition, Mr. Speaker, the Fair Tax, through its simplicity, will provide transparency to the Federal budget and Federal spending here in Congress. Each time the government claims a needed tax increase to fund runaway spending, as we do, and government expansion, or special district funding requests, the American citizen would be directly affected by this irresponsibility and would be aware of it immediately through the transparency of the Fair Tax system instead of hidden tax increases and budget gimmicks that our government institutes today.

□ 1630

So now, my colleagues, it is time to get rid of this complicated, inefficient, and unfair tax. Now is the time to institute transparency, efficiency, and, finally, fairness in our Tax Code.

Now, for those of us in Congress and perhaps throughout the Nation who are skeptical, I have a suggestion for them, an approach that I think would be possible. Why not take Washington, D.C. as a demonstration project to see if it would work here in Washington, D.C.; allow all residents of this city to pay no Federal taxes, and institute a fair consumption tax, and this consumption tax would be collected by the city and then sent to the Federal Government. Then we could see how it would work and discern its advantages and disadvantages.

The Fair Tax I think ultimately would prove to be very useful, and I urge my colleagues to stand for real change and support this fair solution.

H. RES. 251

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, I rise today to share with you and Members of the House the introduction of a resolution of inquiry regarding the payment of executive bonuses to employees of American International Group, AIG. It is H. Res. 251.

Mr. Speaker, my constituents and I, as well as many Americans across the country, are outraged at the unfurling of events surrounding this freewheeling company which helped to lead us into the financial disaster we now face.

To make matters worse, we find out this week that the administration was fully aware of the March 15 payment of $165 million in executive or retention bonuses for many months. Even more troubling is the fact that the one person who was in the dark about the pending bonuses, until last week no less, was our very own Secretary of the Treasury who was supposed to be masterminding our economic recovery and banking recovery.

It is clear from the media reports that AIG did not award these bonuses as a snub to the administration, but instead waited until they had the blessing of the Secretary of Treasury, who apparently believes he did his due diligence by berating AIG and then saying that there was nothing that he could do to stop the bonuses.

The fact that we are rewarding the very people who caused the largest corporate loss in history is astounding. Just recently, the Attorney General of New York has indicated that at least 73 AIG employees received bonuses in excess of more than $1 million, including nearly one dozen AIG employees who no longer work for the beleaguered firm.

Mr. Speaker, there are millions of Americans who have lost their jobs during this economic crisis, and most did their jobs well with great purpose and performance. There are no bonuses for them. Instead, they risk losing their homes, health care, and more. Meanwhile, AIG employees who engaged in risky, perilous behavior that brought our economy to the brink of collapse are rewarded.

There is a great deal of finger-pointing about how we got into this mess and what Congress and the administration is doing. Let me state just a few facts.

Since the beginning of this Congress, which is about 2½ months old now, only eight bills have been signed into law; and this week is like many others in the House, virtually no substantive legislative activity. This House, within 8 days of one person being attacked in Connecticut by a chimpanzee, rushed through legislation to make it harder to own chimpanzees. Mr. Speaker, where are our priorities? Here we sit, wringing our hands over how to curb bailout abuses, and what have we done to date to show for it?

Today, again, the House was deeply contemplating a series of noncontroversial bills under suspension, including two measures naming post offices, and approving a bill supporting Professional Social Worker Month. I like social workers, Mr. Speaker, but who in their right mind thinks that that should be a priority today or this week while the Nation is roiled in anger over these bonuses? We might as well tackle more chimp or monkey legislation.

Mr. Speaker, based upon the Nation's unemployment rate, which hit a new high of 8.1 percent in February, that translates into 16 Americans losing their job every minute. Americans are struggling to keep their homes. Two

hundred seventy-five thousand foreclosure filings were reported in January, with one home in every 440 receiving a foreclosure filing in February. This year, the stock market has plunged 1,750 points and is at its lowest rate since 1997. Millions of Americans continue to lose their retirement security. To date, AIG has received $200 billion in taxpayers' funds to keep the company afloat and recently suffered the largest quarterly loss of any corporation in American history.

Mr. Speaker, Americans are hurting. We cannot sit by and watch as AIG executives not only keep their jobs but are also rewarded for their actions.

Further, the administration needs to come clean on its discussions with AIG and approving these bonuses. Therefore, today I have introduced a resolution requiring the Secretary of the Treasury to transmit to Congress all communications relating to AIG and its approval of these executive bonuses as well as the use of Federal infusion of taxpayer money. Americans deserve to know the full story, and this Congress must act to get it now.

The excuses on television are, ''Well, these are contracts. We can't mess with contract law.'' Mr. Speaker, recently we have told the Big Three auto makers that if they want Federal Government assistance, they have to cram down the people that work in their auto factories. Those are contracts. Recently, the House has passed legislation on mortgage relief that says that even though a bank gave you $100,000 to buy a house, if you got that house under false circumstances, we have to cram down how much you owe the bank. That is certainly contract law as well.

The notion that it is an excuse that somehow these contracts were entered into and we must honor them, and we have to pay $165 million to 73 people, is an abomination. We need to stop it. And I am asking for every Member of this House to cosponsor the resolution.

THE PARTY OF ''OWE''

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, again, it is a privilege to address you here on the floor of the United States House of Representatives, and also to have the chance to lay out here before you and our colleagues and ultimately the American people a point on the cause that we are involved in.

We have dealt with crisis after crisis here on the floor of Congress, and I look back at many of the things that have taken place historically here, and I could list them long. But I will say that I think the most colossal mistake that this Congress ever made was passing the President's Stimulus Act.

I think we have a budget hanging out today that may be a more colossal error. In fact, this budget that lays in front of us, President Obama's budget, spends too much, taxes too much, borrows too much. And what it turns into is their party, that side of the aisle, Mr. Speaker, has become the Party of Owe, the party of debt, the party of borrow. Not the party of ''no,'' the party of ''owe.'' They can't say ''no'' to anything; they just want to owe everything and everybody, even to the extent where this budget projects out by CBO to go to 200 percent deficit of GDP. Unheard of. The highest we have ever had in history was 1945, the end of World War II. Now, the President's budget takes this to that place.

This takes us to, in the middle of this economic crisis where we have seen the equity and the stock market drop by a huge percentage, by one-third or 40 percent or, in many cases, even more. It takes us to this point where the President said to us that he believes that FDR's New Deal actually would have worked, it actually was working, and that he just simply lost his nerve and didn't spend enough money. Can you imagine?

When he said that to us back in, I think, early February, I didn't think he was completely serious about having more commitment to spending a massively larger amount of money than FDR did in the New Deal.

But history hasn't served us very well in the way they reported the New Deal, because a lot of young people for two generations have been taught that the New Deal was a good deal and it got us out of the Depression.

Mr. Speaker, by the time the stock market got back to where it was in October of 1929, Franklin Delano Roosevelt had been dead for 9 years; we had fought two wars, World War II and Korea, and finally in 1954 the markets got to where they were in 1929.

There is no way that a logical objective historian can say that the Keynesian idea of borrowing and spending was a good deal when it was the New Deal. Nor is there any model in history that says that the new New Deal, the Obama Uber New New Deal, would be as good a deal as the bad old deal or a better deal than the old New Deal. This is the new New Deal, it is a bad deal, and Keynesian economics have failed wherever they have been tried.

We need to turn ourselves around to real solutions, Mr. Speaker, real solutions for the American people, real solutions that will take America to the next level of its destiny, not the level down, not in the direction where we put our children and grandchildren and our great grandchildren in debt, not to where little babies born today are looking at thousands of dollars in debt, for every child that is born in America that they are going to have to work off. And we can either print a lot of money and devalue our currency, or we can suppress our economy for generations to come by all of this debt that is on us. And what can transform us as a country? What will ever grow our economy out of this anchor that we are now dragging? They are going to be pitching more anchors off the side of this great economic ship, of the greatest economic machinery that has ever been built in the United States of America, and our free market system.

But in the bailout bill last fall, we pitched an anchor over the side, and we have been dragging that anchor. And then we have the stimulus plan that is another anchor we pitched over the side that we are dragging along bottom. And we have got the President's budget as another anchor that we are going to have to drag. And, now, they are talking about another stimulus plan. And burden after burden heaped on top of the American people, the free market system cannot sustain this kind of a load. We need to do something transformative.

The transformative component that I am advocating here tonight is the one that Mr. STEARNS of Florida advocated a little bit earlier, Mr. Speaker. And I'll take you this way on the fair tax, and that is this:

I was audited one too many years in a row early on when I first started my construction business. The IRS showed up every year for a while, and they decided they were going to justify their existence by milking the little bit of blood that there was out of this fledging turnip of a company that King Construction was back in those years. And after they audited me one too many years in a row and I shut the doors on my business for 4 days so that I could be there and personally hand them the documents and justify the expenses, so that I could minimize the loss that was going to come to me from the IRS, because I had experience with that, and it cost me money, and I had to make a calculation on whether I was going to—I believe I did everything right. And I had to make a calculation on whether I was going to stand on principle and go and fight the IRS, in which case it was almost inevitable that I would lose my business in the process, because I couldn't afford to be away from my business and still keep it going. Or, borrow the money to pay the IRS a bill that I still don't believe that I owed in order to be able to keep operating.

Well, that was one of the times when I didn't commit suicide on principle for the business, but I borrowed the money, paid the IRS. And then I went out and climbed in the seat of one of my bulldozers, and the smoke went up out of the exhaust stack, and it went out of my ears. And I began to think, what is the IRS doing in my office? Why are they impeding my production? Why are they making Monday morning quarterback decisions on me and my life when I am doing the best I can to comply with the laws that are passed by Congress? Well, I didn't know then that it was impossible for the new head of the IRS to figure out the Tax Code.

So, Mr. Speaker, when Timothy Geithner can't figure it out even with Turbo Tax, and if Tom Daschle can't

figure it out, I guess I shouldn't have felt so angry. But I am glad today that I was angry, because I did a little fast-forward in my mind and it was, I want rid of the IRS. I want to be rid of that intrusive organization that can come in and take away the sweat of my brow and diminish the creativity and the energy and the entrepreneurial spirit that it takes for any business to get started, especially a small business, and especially a highly capital-intensive business like mine was. I understand how this works. So I just leaped to this conclusion. The next day I decided, I want rid of the IRS, and I want to repeal the entire Federal Income Tax Code.

Now, I didn't think about how you get that done. I am working on how you get that done today. But what I thought about was, how do you replace the revenue? Because the government has to have some money to run on, and the only way you replace the revenue is if you go to a national sales tax, and it starts with about three principles to know:

Businesses transfer the cost of those taxes on to their customers. Yes, I wrote a check for those taxes, but I had to pass those costs on to my customers if I was going to stay in business. Corporations don't really pay taxes, businesses don't pay taxes. They are tax collectors for Uncle Sam.

But here is the transformative principle No. 1: Ronald Reagan, quoted by Mr. STEARNS of Florida, and I will give you a different quote from Ronald Reagan. He said, ''what you tax, you get less of. A tax is a punishment.'' But Uncle Sam, the Federal Government, has the first lien on all productivity in America.

□ 1645

If you have earnings, savings or investments, Uncle Sam is there with his hand out. When you walk in and punch the time clock at 8 o'clock on Monday morning, Uncle Sam is right there figuratively with his hand out, and you work until he gets what he wants. Then he puts that in his pocket and figuratively goes away, and then you can start working for the rest of the interest.

If it is earnings, savings or investment, if it is productivity, the Federal Government has the first lien on all productivity in America. So a taxation is a punishment. It is a disincentive. We have less production than we would have otherwise because we tax it first. We tax all earnings, savings and investment. If you go to a national sales tax, ''the Fair Tax,'' and tax the last stop on the retail for personal consumption of sales and service, that way you're actually levying the tax against the people that are the consumers that are using it. So we lift the tax off of all production in America, off of all earnings, savings and investments in America, then we cut those anchor chains that we are dragging. The cost of tax compliance is a cost to this economy, because we have lawyers that are tied up and business decision makers who have to, in every single business decision, do a tax calculation. We eliminate all of that and take that burden off and cut those anchor chains that we are dragging, and we turn those brains of H&R Block and tax lawyers, tax accountants and people that are strategizing business off of the advice that they get from their tax lawyers, and there are those people that have to make those decisions without the benefit of counsel, all of that mental energy, all of that time goes from, I'm going to just say this in a nice, gentle way since it is St. Patrick's Day, it goes from the parasitic sector of the economy to the productive sector of the economy. And the productive sector is the free market sector that produces goods and services that has value to people. That is the first transformative thing about the Fair Tax, of taking that burden off of the production, the taxation that is on production, and cuts all of those anchor chains, and it puts the taxation over on consumption where we can use a little bit of an incentive for savings and investment. And it lets people decide when to pay their taxes by when they make their purchases.

I watched a little YouTube clip of the majority leader in the United States Senate, HARRY REID. It was just not quite a year ago. He said, ''we have a voluntary tax system.'' Well, it is hard to make that argument stick. No. We have a confiscatory tax system. It is not voluntary. You don't today get to pay taxes when you want to. If you fail to pay your taxes, the IRS will show up, and they will charge you interest and penalty for failure to pay your taxes. If you still don't pay your taxes, they will garnish your wages. They can come in and put a title on your vehicle, assign themselves a new title to the vehicle, sell that vehicle and credit your account. But the interest and the penalty probably is going on faster than you can sell a car to get that back out of there. There is nothing that the IRS can't touch if they are going to collect your taxes. And when they are done, if they think you have avoided taxes, they will encourage prosecution. We have people in federal penitentiaries today for tax avoidance. So it is a confiscatory, mandatory taxation today.

I want to go to what HARRY REID calls a ''voluntary tax system.'' That is the Fair Tax. People volunteer to pay the tax when they make their purchases. There are other components to this, but I want to make one more point before I yield, and that is the other transformative point. The first transformative point is that what you tax, you get less of. The Fair Tax takes the tax off of all production in America. All earnings, savings and investment is not punished. You get to keep it.

The other transformative component is this, and a lot of people have been credited with this statement. I will give the general one, Mr. Speaker, and then we will perhaps give credit all where it is due before this discussion is over. But there have been many of our Founders and statesmen that have referenced what happens to a country that claims to be a democracy, and I will call us a constitutional Republic, when more than half of the people figure out they can vote themselves benefits out of the public Treasury, on that day our democracy ceases to exist. The future of the Republic ceases to exist. Many of us think we have crossed that line already. And if we listen to the promises that were made in the last campaign that came from our now President, Mr. Speaker, about how everybody was going to get a tax cut, even those that weren't paying taxes were getting tax cuts, those are refundable tax credits. It is a transfer of wealth from the wealthy to the unwealthy, a transfer of wealth internally. When that happens, when the American people become dependent upon someone else for their livelihood, when they lose their sense of self-responsibility, that sense of self-sustainability, when they stop teaching their children, Mr. Speaker, that they cannot be a burden on this society, that they must be a contributor to this society, then our freedom is diminished, and perhaps our constitutional Republic ceases to exist.

Mr. Speaker, I will submit this. There is a way we can pass this Fair Tax, and if we do so, no one any longer pays any federal income tax. Everybody gets roughly 56 percent more in their paycheck. And how do we transform this sense of responsibility? In this way, in billions of transactions at a time. When little Michael Dicks stepped up to the counter when he was 8 years old, he said, ''I want to buy this.'' He put a box of Skittles on the counter. It was 89 cents. He counted out his 89 cents. The lady at the checkout register said, ''that will be fine. I need 96 cents.'' And he looked at his father and said, ''Dad, I've only got 89 cents. The price says 89 cents and the lady at the register says you have to pay the sales tax for the Governor.'' He looked at his father with a pained look in his eyes. He said, ''Dad, I have to pay tax on Skittles?'' ''Yes, you have to pay tax on Skittles, Son.''

Think what that does. If every little child growing up in America, when they buy their Skittles or their Barbie doll clothes or their baseball cards, or whatever they spend their money on, if they have to put a couple of dimes up on the counter for Uncle Sam, they will be reminded at every transaction, millions of young people, billions of transactions, how expensive our Federal Government is. When that happens, it will slowly transform America, the core of America, the core of American responsibility. The two things transformational are we stop punishing production and we raise generations of fiscally responsible, independent-minded Americans. Those are the two transformational principles.

I would like to go to whichever one of my colleagues is the most urgently here. So, I would be happy to yield then to the gentleman from Georgia, Mr. NATHAN DEAL.

Mr. DEAL from Georgia. I want to thank the gentleman for yielding. I want to join him in talking about the Fair Tax issue and to thank my colleague, JOHN LINDER, who is here on the floor, who is the primary sponsor of this legislation in the House.

We all talk about change. We all talk about reform. I can't think of a single bill that is before this House, in committee at least, that would have the transformational effect of passing a Fair Tax. As the name implies, it is a matter of fairness. It would do many things, and you're going to hear, in addition to Mr. KING who has already addressed the topic, you're going to hear others today talk about some of the benefits that would be derived from this kind of legislation.

First of all, it gives people a choice, a choice over how they spend their money. We know that our country is in a deficit in terms of savings. This approach to taxation would say to every American, if you choose to save, then you're going to be able to do so, and the government is not going to tax you as a result of making that choice. If you choose to spend and to consume, then that is the basis on which your taxation will be founded. Those are the kinds of things that give people more of an involvement and a control over their own financial destiny. Of course, as has been referred to, it does much to restore our balance in the international trading community.

Coming from a part of the country in the Southeast which was the old textile belt, we have seen those jobs virtually disappear. It happened for a variety of reasons. But one of the things that made it at a great disadvantage was the tax structure that our country has in place. If we are going to compete in the international marketplace, then a system that does not add on a cost at every stage of the production cycle in the form of taxation is the best way to begin to make us competitive. I think it will be a step toward having those industries, many of whom have left for a variety of reasons, but taxation being one of them, to see them return back to our shores and to restore those job opportunities back to the American people.

For this and many other reasons, I support the Fair Tax. I urge those committees in this House who have jurisdiction over that issue to discharge it from their committee and give this House the opportunity for the elected representatives to express the will of their constituents on this very critical and important reform, the Fair Tax. I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman for coming down and weighing in on this subject matter. I appreciate each of you as you weigh in. Hopefully we will be able to do this more often in the future weeks.

I would like to then yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding. Thank you for setting up this time this evening to talk about the Fair Tax, something that a great many of us, in fact 51, have signed on as cosponsors of this particular piece of legislation. I do salute my friend, Mr. LINDER of Georgia, for continuing to keep this piece of legislation out in the forefront. It is incumbent upon us as members of the legislative body to do what we can to bring things to the floor for debate. But it is also incumbent on people out there in just good old regular America to call their Members of Congress, to inform them of what they want.

I think of Skip and Loretta Akin back in my district who, every time there is a Fair Tax issue that comes up, they are a part of it. They are wearing their Fair Tax shirts. They have been to the city of Atlanta talking about the issue and bringing the good news forward. But there are just a lot of people that aren't listening. We are in great economic peril now. We all know that. We all have compassion. We want to solve the problems that are out there. But we hear more and more about taxes. We hear class warfare, if you will. And again, my colleague has just talked about the issue of choosing where you spend your money, choosing if you're going to buy something. It even goes beyond that. It is choosing whether you buy something new or whether you buy something existing or used where there won't be a sales tax on it. What is amazing to me is that besides the fact that it does away with all of the other taxes that are embedded out there, it is something that you alluded to, Mr. KING, just a little while ago, and that was that it prohibits funding of the IRS after the year 2013. Can you imagine no Internal Revenue Service after the year 2013? Why? Because each and every one of us remits at the cash register at the point of sale. We remit the taxes there. So yes, it has already been alluded to, in the administration, where the Treasury Secretary that our President chose could not figure out how to pay his taxes among the overly complicated Tax Code. I hope that Secretary Geithner will join my colleagues and others in supporting this particular bill.

Lastly, Mr. KING, I would like to also remind my colleagues that there are Fair Tax rallies that are being held all across the country. The next one that I'm familiar with is in Jacksonville, in my State of Florida, on the 11th of April. Unfortunately, I will not be able to be there as I will be somewhere overseas visiting with our troops during that time of our break. The people that are keeping this issue forward and in the forefront today are the ones that need to be saluted as well as those that continue to talk about it. I encourage you and will be here every time that you want to bring the Fair Tax issue to the floor.

I thank you again for bringing this to the floor.

Mr. KING of Iowa. I thank the gentleman from Florida (Mr. MILLER) for coming down and standing up for the one big policy before this Congress that will give us back our freedom. He wouldn't be the only individual from Florida who would be on and be a supporter of the Fair Tax. As I cast my eyes around this Chamber, Mr. Speaker, I pick up another one. It would be the gentleman from Florida (Mr. MICA) whom I would like to yield to and ask him if he can add to this cause that is led by Mr. LINDER. As I came to this Congress, I looked around to find JOHN LINDER, because I knew that I wanted to tie up with him on this Fair Tax cause.

I yield as much time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank you so much. I thank the gentleman from Iowa for yielding to me. I thank him for his leadership and also for calling this Special Order tonight to talk about the Fair Tax and about the subject of taxation which has sort of gotten brushed under the carpet and not been considered in the 111th Congress, or for that matter in the past Congress. The Fair Tax has not been given a fair hearing or a fair chance.

I can't come before the House and talk about the subject without complimenting the gentleman from Georgia (Mr. LINDER). Mr. LINDER certainly is an inspiration for moving this proposal forward, not only in Congress, but across the Nation. We were pleased to have him in my Congressional district to speak on the Fair Tax and other matters before Congress. There is no question that without JOHN LINDER, this topic would be totally forgotten both in the Congress and across the country.

□ 1700

I come before Congress at a time when we have a new administration, and I think we all wish the President well. We wish him success. The country is hurting economically, and we don't want one person without a job. We don't want one person who has a problem paying their mortgage or losing their home. We don't want people to suffer because they don't have health insurance or an opportunity for education or the great opportunities that this Nation provides.

Unfortunately, this new administration also has not considered the Fair Tax. I think they have considered or are considering just about every other tax. I don't have enough time to cite all of them, but if you ever want to see new taxes, look at the budget that has been rolled out by the new administration. Some are hidden. Some have fancy, clever names. There is the cap-and-trade which would impose higher costs for energy users. Someone told me it is over $3,128 annually in higher cost for every household. That is a new

tax. It has a clever name, but they have no problem imposing another tax on people who are already hurting and having difficulty in paying their energy bills.

The new administration is looking at again a host of other ways to tax people, but not looking at the Fair Tax, which would probably be the simplest, one of the fairest means of assessing costs to run our government. Now they are talking about new taxes on small business, taxes for anyone who makes $250,000 a year, taxes on charitable giving, taxes on certain housing and financial transactions, bringing back the death tax, and there are some taxes that under the Bush administration needed to be extended and they will let them expire.

So I think they are finding every way to tax but not looking at probably the simplest, most honest approach to again raising revenue, and that we think is the option of the Fair Tax.

It is kind of interesting, too, in the new crowd we have folks we find don't mind raising new taxes because a lot of them haven't been paying those taxes or are having difficulty explaining both to congressional committees and the American public and others that they couldn't figure out the taxes, or their highly paid CPAs or accountants couldn't figure out the morass of regulations and all of the terms in the thousands of pages of Tax Code that everybody has to comply with. This is not a laughing matter, folks. We have buried ourselves in tax law that again would probably reach higher than me if it was all stacked up here on these desks at which I am pleased to speak tonight.

But again, I think that it is vital and I would appeal to the leadership of the House and those on the Ways and Means Committee and other committees in the Congress to give the Fair Tax a fair chance. Give it a fair hearing. Give it a chance to be debated in committee and here on the floor of the House of Representatives. Instead of this long list of new taxes that we hear coming out almost daily from the new administration to raise revenue, to look at a means of a very simple, economical, efficient reasons of raising revenue, eliminating the red tape and eliminating the questionable thousands of pages that people are having difficulty with, whether they are high Wall Street smart executives being considered for the highest posts in our land, or the average taxpayer who is struggling to compile their taxes.

I know that people are saying that Mr. MICA made this up, but I came from my office and almost tripped over a little stack that I have on the floor that I have to get to this week, and that is my taxes, to prepare that complicated—and thank goodness I have been out of business and the private sector for some time—so what used to be probably 2 or 3 inches of tax returns and sitting down for some time with my CPA and accountant is a much smaller, less complicated affair; but nonetheless, it is complicated. And many people, obviously, have difficulty complying with the thousands and thousands of pages and rules and regulations that are interpreted differently.

So this is the time, I think, to give this proposal which has been developed by some here in Congress a fair chance, a fair hearing. Let's not sweep it under the carpet for another 2 years, but let's give it an honest hearing and look at how we can eliminate a huge bureaucracy and red tape. And so important today in creating jobs, whether it is in my district which is hurting for jobs, or across the country, the issue of competitiveness in the world markets, and nothing would allow us to compete more than a fair and equitable tax system that many other nations in the world have turned to, and many of our competitors have turned to, which make us less competitive in our jobs and products, and ability to compete in this global market.

I am here tonight to join my colleagues in asking that we give the Fair Tax a fair hearing and a fair chance and fair consideration in the Congress rather than the host of taxes that are being cast upon us and the Nation to pay by the administration at this time.

I thank you for the opportunity to join you tonight for a few minutes in this Special Order. And again, I praise your work and hope that we get a fair hearing on the Fair Tax.

Mr. KING of Iowa. I thank the gentleman from Florida. I would just add that the Fair Tax does everything good that anybody else's tax proposal does that is good, it does them all, and it does them all better. And I do that right before I yield to the real American leader on the Fair Tax, an individual whom I met when I was a State legislator at an American Legislative Exchange Council meeting, and I heard from JOHN LINDER in that meeting. I had no idea at the time I was going to get to be his colleague, and I had no idea at the time I would be able to yield some time to our national leader on the Fair Tax, Mr. JOHN LINDER.

Mr. LINDER. I thank the gentleman for yielding and for organizing this Special Order.

I think it might be good right now to repeat what the Fair Tax is.

The Fair Tax would repeal all taxes on income. No more corporate income tax, personal income tax, no more payroll tax. Most Americans pay more in payroll taxes than income taxes. That pays for Social Security and Medicare. We would get rid of the gift tax, the estate tax, the alternative minimum tax. No more tax on income at all. And instead, we would tax a national sales tax on everything that you purchased.

On average today, the average income American gives the government 33 cents out of every dollar he earns. Under the Fair Tax, they would give the government 23 cents out of every dollar they spend and raise the same amount of money.

Now we are going to come to this point because economic forces are going to drive us to this point. I had the privilege of visiting with Chairman Bernanke last week or 10 days ago or so. One day, whether I am here or not, this Congress is going to decide the only way to go is to a more fair tax, that taxes not what you put into society, but what you take out.

Today we know that on average, 22 percent of what you pay for is the embedded cost to the IRS. With all of the companies that it takes to get a loaf of bread to your table, there are payroll taxes, income taxes, there are compliance costs, they get embedded in that price system. That is the only way a business can pay a bill is through price. And you pay that business' light bill, their rent, and their tax bill.

If we have a price system that is inflated by 22 percent because of the embedded cost of the IRS, that makes us less than competitive in a global economy and jobs move into better tax jurisdictions offshore.

Secondly, the Tax Foundation said that last year we spent $350 billion filling out IRS paperwork. We spend another $125 billion a year calculating the tax implications of a business decision. If we are spending in excess of $450 billion a year just to fill out forms to send them in, that is inefficient. That is stupid. It is like paying for a dead horse. You get nothing from the transaction.

Third, the underground economy is about $2 trillion a year. And the more complex our code gets, the easier it is to go underground and avoid paying taxes. They are not contributing.

Fourth, there is today in offshore financial centers in dollar-denominated deposits $13 trillion. My point to Chairman Bernanke was this: that is money that would be on shore in our markets, in our banks, if we didn't have an IRS.

All four of those issues: the embedded costs, the compliance costs, the underground economy, and the offshore investments, would be eliminated and fixed by getting rid of the IRS. None of them will be touched by nibbling around the edges of our current tax system.

Fifth is this point. We are having a serious problem starting in real estate in America because people can't afford to pay their mortgages. Some made bad choices, but that is a simple fact. Under the Fair Tax the average income earner would have a 50 percent increase in take-home pay. They would pay their mortgages. Now all of this stuff gets fixed in the economy without spending $700 billion here and $700 billion there without raising taxes and everything, as Mr. MICA said.

Lastly, this point: we have never taxed wealth in America; we tax wages. The first thing very wealthy people do is stop getting wages so they pay 15 percent on capital gains and dividends, and if the Obama plan goes through, they will pay a 20 percent tax. But they don't pay anything to Social Security

and Medicare because they have no wages.

When Mrs. Kerry had to release her tax return in 2004 during the Presidential election, it showed she had $5.1 million in income the previous year. She paid a 12 percent tax on it. She paid nothing into Social Security and Medicare. She had no wages. This taxes wealth when it is spent. It is fair to assume that she spent a good part of that $5 million on several houses and travel. And in that case if she had spent it all, she would have put $400,000 into Social Security and Medicare, but we don't tax wealth when it is spent today.

Now what would happen if all of this comes to pass? Our studies from outside consultants say that in the first year we would have a 10.6 percent increase in the GDP. I asked Chairman Greenspan when he was chairman if that was inflationary, and he said not at all. We would have a 72 percent in capital spending, and we know that real take-home pay for workers increases in exact correspondence to capital spending.

We would have jobs coming here. An informal study done at Princeton many years ago asked 500 international companies located in Europe and Japan: What would you do in your long-term planning if the United States eliminated all taxes on capital and labor and taxed only personal consumption? Eighty percent said they would build their next plant in the United States.

If you are selling to Detroit, you would rather be in Detroit because transportation costs are high. But we have driven them off with tax policy.

We have lots of debates on the floor of this House, but punishing people who go offshore, locking up their accounts, they are not leaving because they hate America, they are leaving because we kicked them offshore with confiscatory tax policies.

This will come to pass, and it will be fair, and I hope one day we can give back to the American people and the freest society ever known the privilege of anonymity. No one should know as much about us as our Tax Code. We should have no agency of the Federal Government that knows more about us than we are willing to tell our children. Under this system, there would be no agency that knew how you made your money, how much you made, or how you spent it. You could anonymously go into any store, buy something, have the tax collected there just like we do in 45 States with the sales tax, and we would contract with those States to collect the money and remit it to us. We would have a system of government that was fair.

Let me just close with this comment. During the debate in 1912 when income tax was hot and heavy in the United States, one southern Senator made a statement that was considered so ridiculous and outrageous that he was laughed off the floor of the Senate. Here is what he said. He said, ''Mark my words, if we pass this, in time they will be taking 10 percent of everything you earn.'' It was considered ridiculous, but it did bring back to mind my favorite country song, if 10 percent is enough for Jesus, it ought to be enough for Uncle Sam.

□ 1715

Mr. KING of Iowa. I thank the gentleman from Georgia. I know that this country is going to call upon him many times as we move forward in this debate.

I want to make the point that I have been challenged in the past, and people will say, well, I know that the Fair Tax is a great idea, I'm convinced that you're right on the economics of it—in fact, thinking economists won't disagree; but the rebuttal that I get is, well, you can't get it passed. My answer to that is, if it gets passed under two different scenarios. One is, if we elect a President who has run on it and receives a mandate from the American people for the Fair Tax. And the other one is, when you are in a downward economic spiral and Americans are actively looking for solutions, this is it.

I will yield back to the gentleman from Georgia.

Mr. LINDER. I think that is correct. And in the last Presidential election, Governor Huckabee did run on the Fair Tax. In your State, he won the Republican primary. And he told me he ran because of the Fair Tax Organization in Iowa. We have organizations in 50 States, and most States have dozens of them. These are people who, no matter that happens to me or you or the folks right now pushing this idea, they are not going to let it die. If you Google ''Fair Tax,'' you will find that they are meeting in every State, every week. Somewhere along the way it winds up in the literature.

The American people are going to demand this. If you remember the debates from the Republican primary, it came up in virtually every debate and brought down the house. So I don't think it is going to go away because the American people are not going to allow it.

Mr. KING of Iowa. I thank the gentleman. This good idea, I don't know that it has ever lost a debate and probably never will.

I am looking around and I am seeing a lot of my colleagues from south of the Mason-Dixon line—I'm glad there is one from the north side of the Mason-Dixon line. But before we go there, I have never met a Republican from Tennessee I didn't like. And we have one on the floor with us tonight, Mr. Speaker, and that's Mr. DUNCAN from Tennessee. I would be happy to yield.

Mr. DUNCAN. I thank the gentleman from Iowa for yielding.

I want to say, first of all, that I will be very brief because there are several other people here who wish to speak. But I want to commend my friend, JOHN LINDER, who has worked so hard in advocating the Fair Tax. And I especially want to commend my good friend, the gentleman from Iowa (Mr. KING), for calling this Special Order tonight. The gentleman from Iowa has been a real leader, a real champion in the fight to reduce our taxes and to try to bring Federal spending under some type of control.

This is my 21st year in Congress. And I'll tell you, I have seen some pretty mindboggling spending in that time, but even I have been shocked and astounded by all the spending that we have seen lately, and it just seems to be almost completely out of control. And in all this spending and legislation that we passed just in the last few months, in the midst of that, we've raised our national debt limit to 12 trillion, 104 billion. That's a mindboggling, incomprehensible figure. And nobody can really understand it or relate to it, but David Walker, as many of you know, the former head of the GAO, the Government Accountability Office, has been going around this country trying to be a Paul Revere to sound the warning to say that as troublesome and worrisome as the $12 trillion national debt is, that an even greater problem is what he estimates are now $56 trillion in unfunded future pension liabilities.

And I used to say that what we were doing to our children and grandchildren is terrible, but actually now I say what we're doing to ourselves, because I don't believe it's going to be more than 10 or 15 years, if that long, before we're not able to pay all our Social Security and Medicare and veterans' pensions and all of the things we have promised our own people with money that will buy anything. What we will do, we will do what governments all over the world have done when they have gotten in this situation, they have just started printing more money. And that never works; it's like a ball going downhill. It just means that what people thought was a good pension is not going to work, not going to support them at all.

And every place in this world where the people have let the government get out of control, what has happened is there have been a few elitists at the top, it has basically wiped out the middle class, and there has been a huge starvation class because that is the only thing big government is good at is wiping out the middle class.

I will say this; there is no good reason why we should have a tax code nearly as complicated, convoluted, and confusing as the one we have, where I have read that even half the advice the IRS itself gives out is wrong.

The Fair Tax certainly has a lot of merit to it. Mr. LINDER has pointed out so many things. But right now the people who are paying their taxes, their honest share of taxes, they're paying the taxes for the illegal immigrants and the drug dealers and those who work in the underground economy. Under the Fair Tax, the illegal immigrants and the drug dealers would have to start paying their fair share of taxes.

In addition to that, we have—I think it's 65 million foreign tourists. They would help us pay a Fair Tax. They don't help us pay an income tax. And as Mr. LINDER just said, we now spend $350 billion just in filling out the tax forms. It is ridiculous that we have a system that is that complicated.

As the gentleman from Iowa pointed out a short time ago, the administration has submitted a $3.9 trillion budget. I noticed that Jim Cramer, the famous stock analyst who is on television every night, he said President Obama's budget may be one of the great wealth destroyers of all time. And that is a significant statement coming from a man who has been a six-figure contributor to the Democratic Party. He said President Obama's budget may be one of the great wealth destroyers of all time. We don't need that, especially in this type of economy.

We don't have enough people who realize this; there is waste in the private sector just like there is waste in the public sector, but the waste in the private sector pales in comparison to the waste that is in the public sector because a business that continually wastes money will very soon go out of business, but a government agency that wastes money just seems to get increased funding. So what that means is that every dollar you can keep in the private sector will do more to create jobs and keep prices low than will any dollars turned over to the government. Yet, I saw on Lou Dobbs last night that in this past year, we've lost four million jobs in the private sector while government employment has increased by 151,000 over the past 12 months. At the same time that individuals and families all over this country are having to cut back, we are giving increases to the government.

The Washington Post, just after the House passed the stimulus—and they supported it, but they said it would mean ''a massive financial windfall''—that's the words they used—''a massive financial windfall'' for Federal agencies. So that is who is coming out good in this, the Federal bureaucrats, Federal agencies. And this area, which was already one of the wealthiest areas in the country, is going to come out just fine under this stimulus package and under this increased spending we're doing.

But about the time we were voting on this stimulus package, 203 leading university economists ran a full-page ad in the Washington Times and they said this; ''We, the undersigned, do not believe that more government spending is a way to improve economic performance. More government spending by Hoover and Roosevelt did not pull the United States economy out of the Great Depression of the 1930s. More government spending did not solve Japan's ''lost decade'' in the 1990s. As such, it is a triumph of hope over experience to believe that more government spending will help the U.S. today.''

And these economists continued and said this: ''To improve the economy, policymakers should focus on reforms that remove impediments to work, saving, investment, and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth.''

I will just wind up with a couple more comments. Edward Rendell, the Governor of Pennsylvania, when he was the Mayor of Philadelphia, testified in front of a congressional committee and he said this; ''The problem with government is that there is no incentive for people to work hard, so many do not. There is no incentive to save money, so much of it is squandered.'' And that pretty much sums it up. And that pretty much sums up why the more money you turn over to the government, the less it helps the economy. It helps those who are in with the government, but if you want to really help the poor people and the lower income people in this country, then you will try every way possible to keep more money in the private sector.

We are going in the opposite direction today. I noticed that even the liberal New York Times reporter asked President Obama a few days ago if he was a socialist. And that is the path we're headed down. They may try to deny it. Socialism, though, has not worked anyplace in this world; if it had, the Soviet Union and Cuba would have been heaven on Earth.

I could say more, but I will stop because others want to speak. Once again, I want to commend my friend, the gentleman from Iowa, for bringing us together here tonight. Thank you very much.

Mr. KING of Iowa. I thank the gentleman from Tennessee for coming to the floor and engaging in this discussion.

Mr. Speaker, as we move through this and we get down to the last 10 minutes available in this hour, I would be happy to yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I appreciate the gentleman yielding.

I am very happy to be here this evening to address my colleagues on this important issue of the Fair Tax and pay tribute to our colleague from Georgia, Representative JOHN LINDER. Representative LINDER, from the Seventh Congressional District of Georgia, is a long-term Member of this body, is former chairman of the NRCC, long-term vice chairman of the Rules Committee, and now a member of the Ways and Means Committee. And Mr. Speaker, he knows of what he says in regard to the Fair Tax.

I think JOHN is absolutely right. And I am just, as I say, proud to be here and be his colleague and to have an opportunity to weigh in, in support of the Fair Tax. My only regret—or one of my biggest regrets—since I've been here is that when we had the majority on our side of the aisle, we lost the opportunity, didn't take the opportunity. It wasn't because of JOHN's lack of ethics, however. And I think he is absolutely right; if we live long enough—Lord willing—we're going to see the elimination of the 16th amendment, and that is, obliterate the income tax and replace it with the Fair Tax. I think this country will be much more competitive.

I could stand here and take up the rest of the time, but I know my other colleague from Georgia is here and he wants to speak.

I want to thank the gentleman from Iowa for conducting this Special Order tonight. And I thank him for the time that he gave me to weigh in, in support of JOHN LINDER and the Fair Tax. And I yield back.

Mr. KING of Iowa. I thank the gentleman from Georgia, my good, longtime friend from the first day I arrived in this Congress. I look forward to more of these opportunities in this fashion.

To conserve our time, I will happily and quickly yield to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I believe that if a study were done on facial expressions made during a word association test, the results would show that most people's facial expression given the word ''taxes'' would be strikingly similar to that as when they were asked to recall the last time that they stubbed their toe or they smashed their finger with a hammer. Just as each physical injury has left a memory of pain and discomfort, so has each tax season burned a memory of stress and anger into the minds of most Americans.

As many of you may know, I am an original-intent constitutionalist. I believe the Federal Government was not established to tax and spend; it was established to protect freedom and liberty. Yet, here we are today trying to solve our Nation's economic woes through an outdated and failed philosophy of more taxes, more spending, more borrowing, and an overall belief that more government is the solution. How many times, Mr. Speaker, will we hit ourselves in the thumb with an economic hammer before we realize that this is not the way to approach our problems? As the great Winston Churchill once said, ''For a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle.''

With the tax filing deadline just around the corner and many Georgia families struggling to figure out how they will pay off Uncle Sam this year, now is the time to do away with our terrible tax system, scrap this tax-and-spend mentality so we can go about a better way to get this country back on track.

Mr. Speaker, I would submit that one great way to reform our tax system would be to institute the Fair Tax, which I'm an ardent supporter, a system that would replace all Federal

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Mr. Speaker, I would submit that one great way to reform our tax system would be to institute the Fair Tax, which I'm an ardent supporter, a system that would replace all Federal taxes with one single retail sales tax. Just imagine the money that would flow into our economy if hardworking Americans were actually allowed to keep more of their money that they earned, if they didn't see increasing amounts being taken by a government that can't even pass a balanced budget, much less operate on one.

□ 1730

However, it would be foolish to only discuss reforming our tax system without addressing its soul mate, and that is government spending. Skyrocketing growth in government spending by both Congress and Presidents, regardless of political party, has grown to a level of astronomical proportions. Spending by the Federal Government has more than doubled since 1980 and tripled since 1965. Recent history has shown us that cutting taxes is not a viable solution if we do not also address our gluttonous spending.

This government exists for the sole purpose of serving the people, but for too many years, government has been merely serving itself. It has taxed and spent itself into a debt that shows no signs of receding.

You see, this is something that seems to have been forgotten by Congress and by this administration. To spend these huge increases as they are proposing, they must first take it way from people through taxes. And what happens when there are not enough taxes to cover all the increased spending? They simply increase taxes, often through new and creative methods, while also increasing our Federal debt.

In 1930 the U.S. Tax Code was a brisk 500 pages long. Today it has swollen to more than 45,000 pages, full of provisions that too often produce negative results. A Fair Tax system, empowering the American people to decide how much taxes they'll pay through their own purchasing decisions, will force this spending-engorged government to change their ways and enact fiscally responsible budgets.

In addition, a Fair Tax system will move the responsibility of taxing citizens back to the States, simplifying the process, and remove the temptation by Congress and the administration to feed their growing appetites at the smorgasbord that is our current tax system.

Often when I'm at home talking with my constituents in Georgia about taxes, I tell them if 10 percent is good enough for the Lord, it ought to be good enough for Uncle Sam. We have to reduce the size of government and government spending to achieve this heavenly goal. Under the original intent of our Constitution, 10 percent would be more than enough to fund all of the functions of the Federal Government as envisioned by our founders.

I call on my colleagues to listen to the American people who are demanding a better system. We can and should give it to them by reducing Federal Government spending and reforming our tax system by enacting the Fair Tax.

I congratulate my dear colleague from Iowa for allowing me to speak and bringing this very, very important issue to the forefront of the American people.

We have to stop spending. We are spending too much. We are taxing too much. We are borrowing too much. And it's going to kill our economy. I call this a steamroll of socialism being shoved down the throats of the American people that's going to strangle our economy. It's going to slay the American people economically if we don't stop it. Thank you so much.

Mr. KING of Iowa. I thank the gentleman from Georgia for coming down and joining in this discussion, Mr. Speaker, and I am hopeful that we will have many more like this.

I want to reiterate a point that I made at the conclusion of Mr. LINDER's delivery, and that is, as he went down through the list of all the taxes that get eliminated, corporate and personal income tax and payroll tax and inheritance tax and the list goes on and on and on, the Fair Tax provides an incentive for earnings, savings, and investment. Here's my point, and I want to make this clear and I will stand on it and I'll defend it and I have made this statement across the country, and it is this: The Fair Tax does everything good that anybody's tax proposal does that is good for our economy and the American people. It does all of them and it does them all better.

Now, that sounds like a real big position to take, and I'm taking it because I'm solid in that, and I'm happy to debate that. I'd be happy to debate anybody from the other side of the aisle that can come over here and tell me that any part of that's wrong and then let's have that discussion. When you take the punishment off of people who are producing, earning, saving, and investing, and you let them earn, save, and invest all they want to produce, and then you provide that incentive for that savings and investment on the other side, as John Linder said, the Fair Tax eliminates the taxes on capital and labor.

Now, Adam Smith said the sum total of the cost of anything that you produce or buy is the cost of the capital plus the cost of the labor. But we are taxing all capital and labor in America under the Federal income tax along with the whole array of other Federal taxes that we have. We have to be able to give that all back and let people earn, save, and invest all they want to earn, save, and invest. And I just urge that this Congress take a look at this Fair Tax. And let's get some hearings. Let's get something moving through the Ways and Means Committee. Let's continue to make this point.

Also, I will say this: I came to this conclusion in 1980. That's 29 years ago. I have looked at this Rubik's Cube of the Fair Tax every way I can possibly turn it. I turn it one way and another way. The colors show a little bit differently, but every time I turn it again, it looks better and better and better. The more I know about it, the better I like it. And I don't know if anybody has studied it as long as I have, 29 years, before there was anybody that had any science, any background on this. I took this to the people and economists and the tax lawyers that I knew.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank you for yielding.

I want to just point out that you have been a leader on this Fair Tax and trying to offer solutions. Republicans have offered solution after solution after solution to energy, to housing, to taxes, to the spending; and the leadership has totally denied us from bringing this forward to the American public. And I congratulate you for being a leader in this regard.

Mr. KING of Iowa. I thank the gentleman from Georgia and all the participants.

THE SUBPRIME HOUSING CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to include extraneous material in the RECORD thereof as I proceed this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Speaker, as our economy continues to oscillate, and the world markets with it, it is good to remind ourselves of some economic fundamentals so we can fix what ails us. Let us return to the opening fact: The proximate cause of America's downturn is the subprime housing crisis. It is not abating. Until America addresses that, our economy will continue to bleed.

Washington is obstinately refusing to address that head-on. Six thousand six hundred homes enter foreclosure across this country every day. That is one home, one family every 13 seconds. Instead, Washington seems to still be just picking at the edges of the glaring headlights facing us.

The President today, in the wake of AIG's giving AIG executives hundreds and hundreds more millions of dollars, taxpayer dollars, in bonuses, has stated the need for overall financial regulatory reform. He is right. America needs more than executive bonus reform, however. That only represents a wart on a very large elephant, of hundreds of billions and, indeed, trillions of dollars irresponsibly managed and the burden of resolution being put on our taxpayers, on their children, on their grandchildren. The executive and legislative branches of our government must dive in and reform this out-of-control financial marketplace. The Republic and our citizens deserve no less. The question for history is whether this Congress will meet its constitutional obligations to protect and defend the Republic.

It is time that Wall Street and the megabanks saw the writing on the wall. Yet they seem hell-bent at resistance. Wall Street's response of putting its head in the sand and their hands in our pockets should be over. AIG's bonuses are merely the latest sign, like a big canary in the mine shaft sign, of Wall Street's high arrogance and its real power, I repeat, its real power, over the American people and the institutions that govern us. The voices of the people are not being fully heard. Wall Street's latest racketeering and ransacking of our Republic trumps anything they have done in the past.

Let us recall the savings and loan debacle back in the 1980s when financial institutions dumped $150 billion of their bad debts onto the American people, onto their children. It was a huge load. In fact, we're still paying it. It became the third largest share of our Nation's long-term debt. We're paying for it until today. It gets hidden in the overall debt but it's in there. But Wall Street and the megabanks had no remorse. They smelled blood. They got away with what they did. And they learned something from that fiasco. They were able to wash their hands of responsibility. They got away with it.

They then worked like eager beavers to change the laws of this country so that they could do even more. So much more. The savings and loan bailout marks the point in time when the largest financial institutions in this country figured out that they could push this Congress around and the President around, and they were emboldened by what they did. And they not only have ever since, and royally, I might add, but they have done so at a magnitude that is unprecedented. Who knows how deep the hole is this time around? They've already dumped $700 billion of their bills already directly on the American people, six times more than the last time.

And on top of that, who knows really what debt the Federal Reserve is racking up in its hidden transactions, furiously assembled at its own counting house. Those secret transactions merely tell us how far out of control our elected representatives have been distanced from the government they are sworn to defend against all enemies.

After the big banks were rewarded 20 years ago by forcing the public to pick up their dirty laundry, they enlarged their thievery during the 1990s with a vengeance. Once most of America's thrift and home loan institutions were destroyed along with the savings ethic that had been embedded into the law, the megabanks set in place a massive racket to exploit and draw down the accumulated savings that were left, you can call it equity, of the American people represented in their homes, in the housing market. Wall Street and the megabanks accomplished their goal. They drew down huge sums of equity from homeowners through scheme after conceivable scheme. Yes, they sucked out the value of what homeowners actually owned, not owed but owned, in their homes. Their schemes were masterful and they were morally wrong.

Look in neighborhood after neighborhood in this country. I bet your property values have come down. If you're not losing your home, you've been impacted by it. Your equity has been lessened. They got to you too. They got to almost every single household in this country.

□ 1745

How did they do it? They had millions of schemes. Take widows' loans, widow, w-i-d-o-w. This was the rotten racket by which Wall Street's sharp-pencil boys preyed on grief-stricken women who had just lost their husbands, unethical moneymen at white-shoe Wall Street institutions like Citigroup, through its CitiFinancial, no less, drilled into that segment of the market for every penny they could exact.

They promised widows—and they followed the obituaries to find them—they promised widows that now that their husbands were gone, they needn't worry about their finances into the future. Just sign on the dotted line and an equity bonanza would be yielded to that widow.

They failed to mention that in a few years the widow's mortgage payments would more than double. But who was to worry? Tragic, yes, but true. Did it happen, yes, over and over and over again.

And those who worked for CitiFinancial across this Nation, and I am sure some are listening this evening, some refused to do that. They left their firms or they were terminated, but others did it.

And every time they did it, they got a bonus on that widow's refinancing. I can't imagine how those people can sleep at night. That's how they made their money.

Congress needs to hear from those widows. I know they are out there. What happened to them, in my opinion, was criminal.

So the subprime housing implosion is the proximate cause of our downturn. But I have a question, why is our government not fully using the normal institutions that could resolve the crisis on the books of the financial institutions involved, the FDIC, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. Why aren't we?

Last week we heard from the former chair of the Federal Deposit Insurance Corporation who served both Republican and Democratic Presidents back in the 1980s, Mr. William Isaac, who is published in Investment Dealers' Digest this week, an article I am going to quote from. He essentially resolved and successfully resolved over 3,000 insolvent banks back in the 1980s.

Every bank in Texas went down but one. Continental Bank of Illinois went down. He resolved those without a cost to the public. His answer to what we face is follows, a four-point alternative to the bailout bill. Implement a program that would ease the fears of depositors and other general creditors of banks. You do that through the FDIC and the Securities and Exchange Commission.

No. 2, you reinstitute restrictions on short sellers. You do that through legislation or the SEC could do that. They haven't.

No. 3, you could suspend or alter substantially mark-to-market accounting which has contributed to mightily to our current problems by marking assets to unrealistic fire-sale prices. We could authorize a net worth certificate program, that authority still exists. FDIC needs to use it.

We could settle the financial markets, he says, without significant expense to taxpayers. This would leave $700 billion of dry powder we could put to work in targeted tax incentives, if needed, to get the economy moving again.

But why hasn't Washington done what he suggests? Perhaps it's because the megabanks and their Wall Street patrons relish the world of greed in which they float. And, frankly, they have worked very hard and spent billions in lobbying fees and campaign contributions to set up the world just the way they like it, and they have been rewarded handsomely. They are still being rewarded very handsomely.

They don't want to lose their grip. After all, they have figured it all out. From every angle, they know even that congressional elections are cheap. They are now the largest contributors, Wall Street, that is, to congressional elections and Presidential races. They figure about $3 million a seat in here and a few hundred million for a President. You add those all up, it doesn't even equal what we put in to the AIG bailout for the entire Congress of the United States.

The castle that Wall Street built, and which it is defending now at all costs, was built at the price of great harm to this republic. I believe that the situation can right itself, but it will take

the American people taking back their power through us, those that they elect.

The situation we face did not happen overnight. As I stated, it grew out of the savings and loan crisis. And let's look back at the late 1980s and 1990s, in the 1990s, activities began and a plan was set in place by Wall Street and the largest money-center banks, and I will name them, JPMorgan Chase, Citigroup, Bank of America, HSBC, Wachovia and Wells Fargo—Wells Fargo and Bank of America down in Charlotte—to overleverage our U.S. housing market through such schemes as mortgage-backed securities and home-equity loans to make extraordinary profits and enrich executives, boards and their shareholders. We know some of their names, but it's amazing how they can avoid the public limelight.

The net result of their combined actions has been to indebt our Nation on the private side with our families and ultimately shift the cost of what they have done, their excesses, to the public realm.

The Wall Street and Wall Street-related institutions lobbied to change Federal laws, along with executive actions, that aided and abetted their plan. In 1994, the Riegle-Neal Interstate Banking and Branching Efficiency Act was passed into law with Congress hastening bank mergers, resulting in the further concentration of financial power in money center banks, most often leading to Wall Street.

And in local communities across this country, what happened was banks that had been headquartered in towns and cities began to disappear, as they were gobbled up by money center banks far from home. And communities across this country became derivative money centers of a headquartered bank a very long way home. Think about where you live. Think about what happened in your community.

With the passage of the Riegle-Neal bill, what changed was this, the traditional concept of community banking where residential lending took the form of a loan which was made on the time-tested standards of character, collateral and collectability, was transformed into a bond and then security, which was broken into pieces and then sold into, ultimately, the international market, where you can't even find it, largely through Wall Street dealers. Essentially, collateral was overvalued, the value of the house became overvalued.

Risk was masked and proper underwriting and oversight of the loans was dispensed with. Thus began the silent eroding of our Nation's community banks. They are not all gone, but they are fewer, and they are burdened unfairly by the economy Wall Street-money centered banks have delivered to them and us.

In addition, in the years of 1993 and 1994, there were changes made at the Department of Housing and Urban Development that removed normal underwriting standards. For example, HUD's mortgage letter, 93–2, ''Mandatory Direct Endorsement Processing,'' gave authority to home builder-owned lenders bye like KB Mortgage and affiliate lenders like Countrywide to independently approve their own loans.

Then in 1994, HUD mortgage letter 94–54 allowed lenders to select their own appraisers. How do you like that?

Secretary of HUD Henry Cisneros, upon departure from the Department of Housing and Urban Development, became a KB Home board member as well as a Countrywide board member. So as a public servant of the highest order, with the trust of the President and all those at HUD, Mr. Cisneros appears to have leveraged his position to his own benefit. Of course, appearances can be deceptive, and sometimes appearances are spot on.

Continuing on, Mr. Speaker, in 1995 Congress passed, over my objection, the Private Securities Litigation Reform Act. This bill was the only bill ever passed by Congress over a Clinton veto, and it was part of Newt Gingrich's Contract with America. This law made securities class action lawsuits more difficult.

In fact, Representative ED MARKEY of Massachusetts offered an amendment to that bill that would have made those that sold derivatives still subject to class actions. But his amendment was not accepted, and it never passed.

Back in those days, I can remember when the Securities and Exchange chair, Brooksley Born, made public statements talking about the necessity to regulate the derivatives market, what she saw happening. She was forced out of the SEC. I nominate her for a gold medal.

In 1999 Gramm-Leach-Bliley Act passed Congress, and for the first time since the 1930s removed the regulatory barriers that existed between banks and insurance and real estate and commerce. It was like all the rules were thrown out.

Insurance companies got into derivatives, securities houses got into housing and real estate, America's banking system was turned inside out. Over the next several years, the fury of an inflating housing market and mergers of financial institutions increased.

To illustrate the general pattern of behavior, an interesting case to follow is that of investment bank Wasserstein Perella of New York and Chicago. It wasn't the largest, but one can follow and track it.

In 2001, at the height of the mortgage bubble, it merged with Dresdner Bank of Germany, taking with it volumes of U.S. subprime paper. Today, Dresdner, which is the second largest bank in Germany, has been victimized by the subprime crisis and has been put up for sale. It is likely being acquired by Commerzbank in Germany, which is owned by their largest insurance group, Allianz Insurance Group of Germany. They have the same kinds of insurance problems as we do.

The question is, on behalf of which institutions did Wasserstein Perella move the subprime paper? Equally interesting is, effective June 5, 2008, last year, Dresdner Kleinwort Wasserstein Securities was listed on Federal Reserve Bank of New York's private government securities dealers' list. They are right on the inside. They are more on the inside than my neighbors are back in Ohio where 10 percent of our homes have been foreclosed. This means a foreign institution with severe financial problems is brought under the umbrella of the U.S. Federal Reserve.

In fact, if you review the list of troubled money center banks, most of them are now listed on the preferred primary dealers' list at the Federal Reserve. The Fed is starting to look like the encampment of the most culpable.

This brings me back to AIG. This weekend, AIG grudgingly released the names of the banks that they had to pay related to the credit default swaps on securities that failed. So AIG had to pay on those failures.

Who did they pay with taxpayer dollars that bailed them out and continued to bail them out over and over to a level of $176 billion and beyond?

You know the No. 1 company? As of Monday this week, Goldman Sachs. Well, they got $12.9 billion, Goldman Sachs. That's where the last two Secretaries of the Treasury have come from, both in Democratic and Republican administrations. We have a new Secretary of Treasury now who came from the New York Federal Reserve.

I will insert in the RECORD the The New York Times article by Mary Williams Walsh.

[From the New York Times, Washington Edition]

FIRMS TO WHICH IT PAID TAXPAYER MONEY

TRACKING THE BAILOUT

FOREIGN AND U.S. BANKS WERE GIVEN BILLIONS AGAINST BAD DEBT

(By Mary Williams Walsh)

Amid rising pressure from Congress and taxpayers, the American International Group on Sunday released the names of dozens of financial institutions that benefited from the Federal Reserve's decision last fall to save the giant insurer from collapse with a huge rescue loan.

Financial companies that received multibillion-dollar payments owed by A.I.G. include Goldman Sachs ($12.9 billion), Merrill Lynch ($6.8 billion), Bank of America ($5.2 billion), Citigroup ($2.3 billion) and Wachovia ($1.5 billion).

Big foreign banks also received large, sums from the rescue, including Société Générale of France and Deutsche Bank of Germany, which each received nearly $12 billion; Barclays of Britain ($8.5 billion); and UBS of Switzerland ($5 billion).

A.I.G. also named the 20 largest states, starting with California, that stood to lose billions last fall because A.I.G. was holding money they had raised with bond sales.

In total, A.I.G. named nearly 80 companies and municipalities that benefited most from the Fed rescue, though many more that received smaller payments were left out.

The list, long sought by lawmakers, was released a day after the disclosure that A.I.G. was paying out hundreds of millions of dollars in bonuses to executives at the A.I.G.

division where the company's crisis originated. That drew anger from Democratic and Republican lawmakers alike on Sunday and left the Obama administration scrambling to distance itself from A.I.G.

''There are a lot of terrible things that have happened in the last 18 months, but what's happened at A.I.G. is the most outrageous,'' Lawrence H. Summers, an economic adviser to President Obama who was Treasury secretary in the Clinton administration, said Sunday on ''This Week'' on ABC. He said the administration had determined that it could not stop the bonuses.

But some members of Congress expressed outrage over the bonuses. Representative Elijah E. Cummings, a Democrat of Maryland who had demanded more information about the bonuses last December, accused the company's chief executive, Edward M. Liddy, of rewarding reckless business practices.

''A.I.G. has been trying to play the American people for fools by giving nearly $1 billion in bonuses by the name of retention payments,'' Mr. Cummings said on Sunday. ''These payments are nothing but a reward for obvious failure, and it is an egregious offense to have the American taxpayers foot the bill.''

An A.I.G. spokeswoman said Sunday that the company would not identify the recipients of these bonuses, citing privacy obligations.

Ever since the insurer's rescue began, with the Fed's $85 billion emergency loan last fall, there have been demands for a full public accounting of how the money was used. The taxpayer assistance has now grown to $170 billion, and the government owns nearly 80 percent of the company.

But the insurance giant has refused until now to disclose the names of its trading partners, or the amounts they received, citing business confidentiality.

A.I.G. finally relented after consulting with the companies that received the government support. The company's chief executive, Edward M. Liddy, said in a statement on Sunday: ''Our decision to disclose these transactions was made following conversations with the counterparties and the recognition of the extraordinarily nature of these transactions.''

Still, the disclosure is not likely to calm the ire aimed at the company and its trading partners.

The Fed chairman, Ben S. Bernanke, appearing on ''60 Minutes'' on CBS on Sunday night, said: ''Of all the events and all of the things we've done in the last 18 months, the single one that makes me the angriest, that gives me the most angst, is the intervention with A.I.G.''

He went on: ''Here was a company that made all kinds of unconscionable bets. Then, when those bets went wrong, they had a—we had a situation where the failure of that company would have brought down the financial system.''

In deciding to. rescue A.I.G., The government worried that if it did not bail out the company, its collapse could lead to a cascading chain reaction of losses, jeopardizing the stability of the worldwide financial system.

The list released by A.I.G. on Sunday, detailing payments made between September and December of last year, could bolster that justification by illustrating the breadth of losses that might have occurred had A.I.G. been allowed to fail. Some of the companies, like Goldman Sachs and Société Générale, had exposure mainly through A.I.G.'s derivatives program. Others, though, like Barclays and Citigroup, stood to lose mainly because they were customers of A.I.G.'s securities-lending program, which does not involve derivatives.

But taxpayers may have a hard time accepting that so many marquee financial companies—including some American banks that received separate government help and others based overseas—benefiting from government money.

The outrage that has been aimed at A.I.G. could complicate the Obama administration's ability to persuade Congress to authorize future bailouts.

Patience with the company's silence began to run out this month after it disclosed the largest loss in United States history and had to get a new round of government support. Members of Congress demanded in two hearings to know who was benefiting from the bailout and threatened to vote against future bailouts for anybody if they did not get the information.

''A.I.G.'s trading partners were not innocent victims here,'' said Senator Christopher J. Dodd, the Connecticut Democrat who presided over one recent hearing. ''They were sophisticated investors who took enormous, irresponsible risks.''

The anger peaked over the weekend when correspondence surfaced showing that A.I.G. was on the brink of paying rich bonuses to executives who had dealt in the derivative contracts at the center of A.I.G's troubles.

Representative Barney Frank, Democrat of Massachusetts and chairman of the House Financial Services Committee, implicitly questioned the Treasury Department's judgment about the whether the bonuses were binding.

''We need to find out whether these bonuses are legally recoverable,'' Mr. Frank said in an interview Sunday on Fox News.

Many of the institutions that received the Fed payments were owed money by A.I.G. because they had bought its credit derivatives—in essence, a type of insurance intended to protect buyers should their investments turn sour.

As it turned out, many of their investments did sour, because they were linked to subprime mortgages and other shaky loans. But A.I.G. was suddenly unable to honor its promises last fall, leaving its trading partners exposed to potentially big losses.

When A.I.G. received its first rescue loan of $85 billion from the Fed, in September, it forwarded about $22 billion to the companies holding its shakiest derivatives contracts. Those contracts required large collateral payments if A.I.G.'s credit was downgraded, as it was that month.

Among the beneficiaries of the government rescue were Wall Street firms, like Goldman Sachs, JPMorgan and Merrill Lynch that had argued in the past that derivatives were valuable risk-management tools that skilled investors could use wisely without any intervention from federal regulators. Initiatives to regulate financial derivatives were beaten back during the administrations of Presidents Bill Clinton and George W. Bush.

Goldman Sachs had said in the past that its exposure to A.I.G.'s financial trouble was ''immaterial.'' A Goldman Sachs representative was not reachable on Sunday to address whether that characterization still held. When asked about its exposure to A.I.G. in the past, Goldman Sachs has said that it used hedging strategies with other investments to reduce its exposure.

Until last fall's liquidity squeeze; A.I.G. officials also dismissed those who questioned its derivatives operation, saying losses were out of the question.

BENEFICIARIES OF A RESCUE

The American International Group on Sunday released the names of financial institutions that benefited last fall when the Federal Reserve saved it from collapse with an $85 billion rescue loan. The Fed paid A.I.G.'s obligations to the following companies, among others:

Institution	Amount (in billions)
Goldman Sachs	$12.9
Société Générale	11.9
Deutsche Bank	11.8
Barclays	8.5
Merrill Lynch	6.8
Bank of America	5.2
UBS	5.0
BNP Paribas	4.9
HSBC	3.5
Citigroup	2.3
Calyon	2.3
Dresdner Kleinwort	2.2
Wachovia	1.5
ING	1.5
Morgan Stanley	1.2
Bank of Montreal	1.1

But it's very interesting which firms get special treatment. Several of the AIG infusions of money that came from the U.S. taxpayers are foreign based. Societe Generale of France, $12 billion; Deutsche Bank of Germany, $12 billion; Barclays of Britain, $8.5 billion; UBS of Switzerland, $5 billion; Dresdner, $2.2 billion; foreign banks paid with U.S. taxpayer dollars?

The American taxpayers are becoming the insurance company for Wall Street and global banks. Think about that one.

There is simply no way for us to pay our way out of this, because without mark-to-market accounting being engaged, that is destroying more capital inside these banks than we can possibly make up for with the debt we are assuming as the risk is passed on to the American people.

□ 1800

Besides Goldman Sachs in our country, Merrill Lynch got $6.8 billion through AIG; Bank of America, $5.2 billion; Citigroup, $2.3 billion; Wachovia, $12.5 billion. All banks are receiving TARP funds, too. So it's almost like double dipping into taxpayer dollars. Oh, my, is it time for major reform.

Mr. Speaker, this past week Congress took some steps forward toward real reform, and I'd like to highlight a couple of them and thank those who made them possible. I'd like to begin by thanking House Financial Services Committee Chairman BARNEY FRANK for not only permitting, but attending the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises hearing on mark-to-market accounting. This is the bullseye at the center of the target.

In addition, I wish to extend my gratitude for his leadership to the chairman of that Committee, Representative PAUL KANJORSKI, and the ranking member, Representative SCOTT GARRETT, whose opposition to the Wall Street bailout is as strong as mine, for allowing me to participate in that hearing although I am not on that subcommittee.

I'd also like to congratulate the staff on the subcommittee for a job well done. This hearing was informative on many levels. It is clear that reform of the mark-to-market system is a bipartisan issue. Congress surely would prefer that the industry itself privately,

through the Federal Accounting Standards Board, make the necessary changes to properly account for and subsequently protect institutions. But that appears to be log jammed.

Though not an easy task, time and time again in the hearing the Federal Accounting Standards Board, the Securities and Exchange Commission, and the Office of the Comptroller of the Currency in the Department of the Treasury were told to take action or Congress would take action. I hope that they listen, too, because I know my colleagues can take action, and they surely must.

Three weeks was given as the timeline for FASB and its collaborators to take action. Chairman KANJORSKI already has a hearing date blocked out for the week we return from our April break to follow up as necessary. I thank him for that.

Congress is, for now, expecting and hoping that those who are in charge of regulation will do so, so we do not have to. They, together, are the experts, and should see to the necessity for making these improvements.

All in all, his hearing was a very good one. I commend it to those who are listening to look at that RECORD. We heard excellent testimony from not one, but two panels of experts and people in the field. Yet, for me, and some other Members, the day's work was not complete yet, even though the last votes of the week had been cast.

This takes me to my second round of thank-you's. After Representative KANJORSKI's hearing ended, multiple members attended an informational briefing in the Capitol with the two former Chairmen of the Federal Deposit Insurance Corporation who helped America dig out from that big hole of the 1980s and that last banking crisis so we could learn from their experience.

These crises were far larger than what we faced at the beginning of this one, but this one has been mishandled, and every day it gets worse. So we have much to learn from them. Yet, lack of appropriate resolution to date in our current situation made their appearance even more important.

I wish to thank Majority Leader STENY HOYER for his interest in this discussion, and I wish to thank Mr. William Seidman and Mr. William Isaac for traveling here to the Capitol to share their experiences, these two amazing Americans who have so much to say, and we thank them for their records as senior statesmen and as successful regulators who actually did something right to stabilize our ship of State when it was so desperately needed. We need to hear their voices more.

Tonight, however, I am moderated in my optimism because of those meetings last week and because of Treasury's actions toward AIG. And I want to place on the record some of the following. AIG was the largest insurance company in our country. It collapsed last September due to its mega involvement in insuring mortgage-backed securities.

Prudent lending has been thrown out the window for a very long time, and basically the system that has been set up has taken the individual mortgage loan—let's say this is your mortgage that was arranged at your local lending institution—and what happened across our country in the past was that when you would go to a bank and you would get a mortgage locally, you might have deposits in that bank, and the bank could only loan 10 times more than the level of deposits in that institution.

A system was set up in our country where, when you took the loan out, that loan was purchased. Usually it went to the Federal Housing Administration or the Federal National Mortgage Association here. But it had never really been taken into the international market.

What they did under this new system was rather than having the 10 to 1 lending ratio to capital deposit, what Wall Street did is it had a ratio of 1 to 100. It took $1 and it turned it into $100—10 times more than ever had been done in history—terribly imprudent, terribly irresponsible, terribly high risk—and they leveraged the whole Republic.

Mortgage firms will tell you that often the value of your mortgage, the underlying value of your home, was really too small for their tastes. If your house was only worth $50,000 or $100,000, or even $250,000 for them that is small potatoes. And what they wanted to do was figure out a system where they could take lots of mortgage loans. And what they did was they took them from all around the country, hundreds and hundreds and hundreds of loans, and then they figured out what they will do is they will take this mortgage loan, all these mortgage loans, and what they did was they sold them together.

So what they did was they created these instruments where they literally put these loans together and then they sent them up the line of command, and what Wall Street did, they said, Well, let's see. What is that worth? Let's take the risk out of this.

So what they did was they took all these loans and they cut them up into pieces. What they did was they broke the mortgage up into little pieces and then they took all of those pieces and they packaged them—they mixed them all up and they packaged them into a security. Can you find your loan?

All of a sudden, your loan lost its individual character. It's sort of like the walnut shell game. Where is your mortgage in here?

Wall Street cannot unwind the securities that it has now even sold into the international market. That's why what's happening is so hard to unwind. They bundled some really bad loans where they had poor underwriting and poor appraisal practices with very good loans. But when they cut them all up, who knows where your loan really is, and the prudent oversight at the local level, since your local bank no longer really had that loan and you started sending your mortgage check to places far away from home, most of which ended up on Wall Street or in one of these money center banks. Well, you get the picture.

Just to make it more interesting, what AIG did was took all those cut-up securities and they sold insurance that they called credit-default swaps on those mortgage-backed securities, and they had to pay out on that insurance that was sold as our housing market started to deteriorate and mortgages began to fail. But, you know what? They did it through an office in London. This just gets more interesting—where the meltdown of AIG actually began.

You see, the insurance market is regulated, but what they did with it, with credit-default swaps, that isn't regulated. Nobody was really in charge of that. So they hid a lot of this. They hid a lot of what was going on and they created almost like a Ponzi scheme. And I have been saying to homeowners across the country, If you get a foreclosure notice, don't leave your property. Get a lawyer. Because until you actually get your own note back, until they piece it back together and you get your original loan, how do you know that you have signed a legal note?

What if you have a widow's loan and they cheated you? What if you had a predatory loan? Make sure you can get your entire note back, and you need legal representation through your Fair Housing offices in order to do that.

The castle that Wall Street built—and which it is defending now at all costs because it has made an enormous amount of money. Some people have made an enormous amount of money. Some of those houses that securitized these loans, half of their profit went to the executives in those companies.

What they have done has been at great price to our Republic. The situation we face can right itself if the new President and if the leaders of this Congress listen to those Americans who have actually resolved serious banking crises before.

To date, those voices have not been allowed to rise because, in my opinion, Wall Street has too much power and they can block, just like in football, there's somebody that is the quarterback. They can carry that ball right down the field. But not without the blockers being there. What is happening is some of these important voices are being blocked by those who have enormous power.

Members of Congress must also remember that we represent our constituents and our communities. Their votes got us here and their votes can return us or not return us. Congress needs to get in and get dirty in solving this problem, just like our predecessors did, and find the truth, whatever it takes.

We saw this begin last week at Representative KANJORSKI's hearing. Congress needs to do what is right and not

what is easy. Congress doesn't need to be cowardly. Our Nation and our citizens expect no less than what Daniel Webster's quote says right up on that wall, and that is ''to do something in our time and generation worthy to be remembered.''

It is far overdue for real banking reform in this country and the return of financial power back to the American people.

Mr. Speaker, I yield back my remaining time.

CARBON TAX AND THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes.

Mr. SHIMKUS. I come to the floor tonight—and I will be joined by a couple of my colleagues—to talk about the President's budget and the issue of the carbon tax proposed therein.

Part of the President's budget submission is $686 billion raised by a carbon tax. This poses a serious number of questions, and I will highlight the history and then talk about how that addresses a concern from, really, a large part of this country, especially the Midwest.

When the 1990 Clean Air Act passed and was signed into law, a mining operation in my congressional district, Peabody Mine #10, which is located right here, a big facility, very efficient, and the great thing about this facility was that right across the street and down the road was a coal-fired generating plant.

So you have what you hear a lot of people talk about today, a mine mouth operation, where you have the coal located underground and you have the power plant on the surface. So you save in the aspect of transportation either by rail or by truck.

What happened under the Clean Air Amendments of 1990 is what will happen as we move to a carbon-constrained regime when we monetize carbon, is that in this process there will be winners and losers. So I am coming to the floor tonight to talk about who these people are and why are they in this debate. One of the most clearly identified losers in a cap-and-tax regime are the miners.

□ 1815

Now, we hear a lot about green jobs, but I can guarantee you that the green jobs created will in no way match the loss of the fossil fuel industry in this country. And when I say fossil fuel, I talk about all the fossil fuel regimes, from coal to crude oil to natural gas. And we could go, as we talked about last fall oil shale, we could talk about the tar sands, vast resources of energy which, through a climate change regime, through a cap-and-tax provision, we could lose.

Well, these guys lost out and ladies. This one mine in southern Illinois that had over 1,200 miners was shut down, and it was shut down to meet the requirements of the 90 amendments to the Clean Air Act. So I find it very, very difficult when my colleagues say there will be no effect. And we have been very successful, I think, in this debate to highlight the reality that people will lose jobs as we move to address the climate regime. These guys and these ladies lost their jobs. This is one mine.

I talked to an individual who was a business agent for the United Mine Workers who told me, at one time before these acts were passed there were about 16,000 bargain members of the United Mine Workers in southern Illinois. After this last legislation was passed, he was reorganized into a three-State region and he only was working for at that time 4,000 miners. So he went from 14,000 miners in southern Illinois to 4,000 United Mine Workers in a three-State region. There will be definitely be effects, and it is the blue-collar jobs, the working men and women who have mined our coals.

The historical importance of coal mining is part of the reason why many immigrant families found jobs when they moved here. I am a fourth-generation Lithuanian. My great grandfather came to this country and worked in the coal mine. That story is told over and over and over again and highlights the importance of this debate. So you go from this coal mine, this operation to nothing, you go to this job loss, and then you go to the last revenue for the county.

Now, this is just one story that can be told over and over again in just my State, central Illinois, from central Illinois all the way down to the southern tip, that story of miners losing their jobs. So that is why we come to this debate. And we come fervently to talk about the challenges of a cap-and-trade regime.

In this country, the portfolio of energy, again, in this chamber the electricity produced is by a coal-fired power plant just two blocks away from here. The electricity generated in this country is generated by 49 percent coal. So just imagine that you take coal out of the equation. Now you have current demand and you have less than half the amount of supply. And if you understand supply and demand, costs will then escalate. Who will that cost escalate to? Well, it escalates to everybody.

We hear about the President is making work pay tax credit, the $300 to $400 a year for an individual or the $700 for a couple, that is for 95 percent of all Americans, as he promised. But what he hasn't been able to explain is how, as he passes this cap-and-tax on to the American public, he is going to tax everybody, 100 percent, because we will pay, the consumer will pay for the energy used across the board, because energy is used in everything that we touch, we eat, we consume in this country, and that cost will be passed on in higher costs.

So now let's just talk about the manufacturing sector. If you think that the manufacturing sector that is in this economic malaise right now, you think it is better served with low energy costs or high energy costs? I think the answer is clear: It is better served with low energy costs. If our manufacturing sector is completing against the likes of India and China in the manufacturing sector, do you think our manufacturing sector is better served with higher costs versus the competitors of India and China? Of course they are not. But this Congress and this President is planning to threaten the economic vitality of this country on this cap-and-tax regime and put thousands and thousands of people employed either in the mines or in the power plants or in the manufacturing sector out of work.

And I am just going to end with this story, and then I will yield to my colleague from Minnesota. People say, well, you know, America has got to lead. We have got to lead the folks from India and China. I was in a bipartisan meeting with senior Democrat leaders talking to a senior Chinese official; and I didn't ask the question, two of my democratic colleagues asked this question. The question was: Will China ever agree to an international cap-and-trade regime that is complied by the worldwide organization?

After answering both questions for about 15 minutes, the answer was the same, and this is a paraphrase. He said: You know, the United States and Western Europe built their middle class by cheap fossil fuel use, and now it is our turn. Now it is our turn.

So for anyone who thinks that they are going to comply just because we have now guttered ourselves and made ourselves less competitive and they are going to be goody two-shoes and going to join, they are wrong, and they are not understanding this other simple fact. I think in January, more automobiles were sold in China than in the United States. They are only starting their era of fossil fuel use. They are not going to stop their era of fossil fuel use. They are not going to comply with any international standards.

So our pain, our job loss, our inability to get out of this recession or this economic malaise is going to be held hostage to the fact that China is going to do nothing. We are going to tell our blue-collar workers out there, yeah, we are going to shut down this coal mine in the hopes that we can encourage China to join us? Are they kidding me?

So that is why we took to the floor. There is a lot more to talk about. I appreciate my colleague and friend from Minnesota for coming down, and I would like to yield time to her.

Mrs. BACHMANN. I commend the gentleman from Pennsylvania (Mr. SHIMKUS) for all the work that he has done, the tremendous work on energy. The energy fight that we all participated in last summer when we talked about how we needed to adopt an all-of-

the-above-energy standard so that we can increase America's energy supply, your leadership was exemplary on that effort.

We all remember how much fun that was last July 4, when we were all paying $4 and more a gallon, thinking that we were on our way to paying $6 a gallon, $8 a gallon. We had no idea where it would lead, because what we are seeing was that the world was diminishing its supply, raising its prices. And here in the United States we adopted a policy that was to not produce more American energy, and that constricted and constrained the American public because they had less supply and they had to pay more money. This was not a scenario that the American people were very happy about, and we can see why.

Now, it is curious that under President Obama's spending plan, and that is what we talked about last week on the floor, that the President's budget spends too much, it taxes too much, it borrows too much. All of this radical historical level of spending is mandating massive tax increases. Mandating.

Just the stimulus plan alone, which we found doesn't do anything to stimulate, was over $1 trillion in spending. Then we saw after that a $410 billion budget bill which included almost 9,000 earmarks. And our President, who said he would not sign a bill with earmarks, signed a bill loaded with earmarks, and he did it behind a closed door where no cameras were present. And sandwiched in between all that massive spending was a fiscal responsibility summit. Now, that was a little humorous to me, but now here we are today talking about the budget.

Moving forward. This historic level of spending, $3.7 trillion, where will the money come? Where will the money come from to fund all of this massive spending? I can guarantee to the American people, there is no vault back here in the Capitol filled with wrapped $100 bills. There is no money here. There is no money tree out on the Capitol lawn that produces money every morning that we can shake and go gather that money up and spend on all these programs, socialized medicine, all the programs that the President is envisioning. So where will we go to get this money?

To fuel this radical historic level of spending, we are looking at the system that Mr. SHIMKUS has spoken of so well, and it is the cap-and-trade system, which we all know now is a subterfuge for an energy tax. This is a massive tax. And just as our President stood right here in this room several weeks ago and looked into the camera and said to the American people: 95 percent of the American people will pay no increase in taxation. And that absolutely is not true. We know it, because during the course of those remarks he said he wants to pass a cap-and-trade system.

What will cap-and-trade do? It will increase the price of almost every product and service in the United States. Why? Because think of any commodity that somehow doesn't have energy attached to it. There isn't one.

I hail from great State of Minnesota, Minnesota's Sixth District. I will tell you one thing. When October hits in Minnesota, you turn on your furnace, and your furnace stays on until April. Our furnace is still on in Minnesota. It stays on. Energy is a fact of life. And under this cap-and-tax system, we are looking at a minimum 40 percent increase in the monthly energy bill, the monthly electric bill, let alone the increase in the gas tax when you go to the gas station, let alone when you go to the grocery store the increase in taxation. We know this.

As a matter of fact, we have some quotes from our President. We have a quote just a few days ago when the President said that he wants to pass this cap-and-tax system, but he said we may need to delay implementation until 2012. Why? Because our President said, in our current economic meltdown, we will not be able to afford a cap-and-tax system. Well, we know something about our economy. We engage in business cycles where we have good times and not so good times. What are we going to do, suspend this tax in not so good times? The President by his own words is admitting this will harm our economic future.

In fact, when President Obama was running for President, he said, and I quote, ''What I said is that we would put a cap-and-trade system in place that is more, that is as aggressive if not more aggressive than anybody else's out there.'' So if somebody wants to build a coal powered plant, they can. It is just that they will bankrupt them, because they are going to be charged a huge sum for all that greenhouse gas that is being emitted.

And then he want on to say, ''When I was asked earlier about the issue of coal, uh, you know, under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.''

Coal is the number one energy electricity producer in the United States, and we have coal in abundance in this country. Coal isn't evil. Oil isn't evil. Natural gas isn't evil. It has given us the energy to fuel the greatest economy that has ever been known in the history of man. And I fear that what we will be seeing is the demise of the American economy if we tie cement blocks onto the coal, oil, and natural gas industry. And I fear even the biofuel industry will be negatively impacted, the solar and wind industries I think also will be negatively impacted, because we need to have money in private hands to be able to create these new, wonderful alternative forms of energy that we need to have in the United States. We want to see more nuclear powered plants, zero emissions.

□ 1830

Now, if the President is truly worried about the emissions problem into our atmosphere, why not embrace nuclear power? It produces zero emissions. We should be building nuclear power plants all across this country.

I don't want to take up all the time here, and I would be happy to dialogue with my colleague. Again, I want to thank Mr. SHIMKUS, because Mr. SHIMKUS understands, unfortunately all too well personally in his own district, what the cost has been when government rolls the dice with people's lives and thinks that they have come up with some grand new idea, but that grand new idea, as we have already seen economists forecast, is a loss of at minimum 1 million jobs. How could America accommodate right now 1 million more job losses because of this new tax? I yield back.

Mr. SHIMKUS. I think there is a group that will have jobs in this regime, and it is the Wall Street traders.

Mrs. BACHMANN. That's right.

Mr. SHIMKUS. The cap-and-tax regime, the cap-and-trade regime is predicated on the fact they are going to trade these carbon credits on a trading floor. So we are going to allow folks like Goldman Sachs and Bear Stearns—my colleague from Ohio just left the floor talking about the demise of the economy based upon shady actions. My colleagues on the other side who are on the floor are always throwing bombs at the New York Mercantile Exchange and these traders, the people who trade these instruments on the floor. This is a way for rich people to get richer, when you have a trading floor for carbon.

If my colleagues on the other side were intellectually honest, and I don't think they are being intellectually honest, they would say, let's outright cap, let's tax carbon emissions. Let's put a monetary amount on the carbon emission, and let's make it transparent so the public understands how much they are going to pay to try to mitigate carbon use. But they can't go that route because they can't be intellectually honest in this debate because they know the public will not accept the increase in energy cost and the job losses that are going to incur. So what do they do? They package this cap-and-trade trading floor scheme. And the same people they vilify, the Wall Street traders, are the people they are holding up saying, oh, no, but this system is going to work fine.

So, this carbon tax, I pulled this out, this is the President's ''making work pay tax credit.'' I think we are being generous saying it is $800. I think it is about $700. The impact of a cap-and-tax provision as proposed in the budget is $1,600 per individual. So the net loss to the individual, the household and the family is $800. We are in the hole. We are not making money on this deal. We are behind.

Who is going to determine where this money goes to? The story I like to tell is that it is like the bank robbers. They rob the bank. They go to the hideout. And they put the loot on the table. And

where do the real fights begin? The fights begin as to how they are trying to split the proceeds. What is going on here in Washington now is my friends on the other side are trying to buy off votes to pass this regime promising this largess, which is a tax increase paid for by us, saying, ''don't worry, you will get your share.'' It is just like the bank robbers. And that is why I'm so angry about it.

I yield to my colleague from Minnesota.

Mrs. BACHMANN. I thank you for yielding.

When we are looking at the money and where all of this massive amount of money will be spent, again, the placeholder in the President's budget is $646 billion. But we are told that is maybe one-third of the true amount of revenue that will be generated. Now just think, that is between $1.5 and $2 trillion in new taxation. That is just one new taxation burden on the American people. And the President has already indicated that he may be using that money not to build new nuclear power plants, which would have zero emissions, but to redistribute the wealth, as he is wont to do, with paying for socialized medicine. So we are going to embrace a socialistic view of socialized medicine for the American people which will further be a burden on the American people.

I just wanted to go back on your previous comments on China. There is an article in today's Washington Times newspaper. Open up the inside of the paper. It said this regarding China, China made the comment that they will not be engaging in a cap-and-trade system. They won't be engaging in reducing their own emissions. Why? Because they said the United States are the consumers of products. Japan is the producers of products. They said, with a straight face, ''as the producers of products, we aren't the ones who are truly generating the emissions, it is the consumers.'' Now they are ignoring the fact that they probably have one of the largest pools of consumers in the world.

They have no intention of paying this tax. And if you would give Al Gore and the people who are embracing the whole global warming narrative, if you would give them every aspect of what they believe, if you presume every premise they believe, and if the United States would implement all of their radical ideas, all of this cap and tax, let's say we did everything, gave it all to them, what would we produce in lowering emissions? By their own numbers, it shows that we would be reducing emissions by the year 2095—which is a long time from now—by less than 1 percent. That is a negligible amount. And we know that China is going to continue to grow as a manufacturer. India will continue to grow. Their emissions will overtake any savings the United States would possibly have.

So we need to recognize the truth of what cap and tax is. Cap and tax, pure and simple, is a big government attempt to reach into Americans' pockets, pull more money out, bring it to Washington, DC, to empower the Federal Government so they can decide to do what they want to do with the American people's money.

I would yield back.

Mr. SHIMKUS. I appreciate that comment. That is really the irony of this whole debate. If all this money was going to go to mitigate carbon emissions or to help us adjust to this change, you may get some people, even though I still don't agree with it, who would say, okay, we know where it is going. But the fact that this money is going to go to grow government just shows you the problem they have with the real debate of what the real reason is that this cap-and-tax regime is being initiated.

I'm happy to be joined by my colleague from Tennessee, Congresswoman BLACKBURN. Thanks for coming down.

Mrs. BLACKBURN. It is so good to be with you. I thank the gentleman for his leadership on this issue. You have just been a stalwart on this.

As we have looked at what it takes to address the energy needs of our Nation and how we should go about that, of course, we all know that one of the things we have to do is look at all of the above. And we began talking about this last year and spent some time talking about that we needed an all-of-the-above strategy to make certain that we addressed every component that was out there, every possibility that was going to be held. It is an honor to serve on the Energy and Commerce Committee with the gentleman from Illinois. It is also an honor to work with the Select Committee on Energy Independence. We know that this is a direction where we need to move towards energy independence. We know that we need to do this in a thoughtful way. We also know that we need to do this without raising taxes on the American people. Certainly that is possible.

As the gentleman and my colleague from Minnesota were both saying, the taxes that are out there are of tremendous concern to us. I appreciate the poster that the gentleman has where it shows what it is going to cost every family for this cap-and-tax scheme that the Democrat leadership is wanting to put in place. The MIT researchers feel that this tax is going to end up being $3,100 per family. That is something that is going to far exceed even the $1,600 that we see there.

It basically is a tax every time you turn on the light switch, every time you plug in the coffee pot and every time you turn on the computer. Every single time you go to use any energy source, you are going to be paying a tax. That means if you freeze your food, you're going to pay more. If you cook your food, you're going to pay more. Everything you use is going to end up costing you more, $3,128 per family per year. That is not my estimate. It is not Mr. SHIMKUS' estimate. That is the estimate from researchers at MIT as they look at this. And CBO, the Congressional Budget Office, also warns us of the burden that this is going to place on our middle income and our working families here in this country.

Many of my constituents are saying, ''what in the world is a cap-and-trade, or what is a cap-and-tax?'' And they are asking about how this would go about. And they can't believe that with the greenhouse gasses and the carbon emissions that you would have to go in and buy permits to use this. Indeed, our agricultural community is very concerned about this because what we are hearing from our friends across the aisle is that there would be a tax on every head of cattle. There would be a tax on every pig. What is that going to do? It is going to increase the cost of the food that you eat.

We know that it doesn't stop there, and the taxing doesn't stop there. The gentleman has talked some about coal and clean coal technologies. He has talked about nuclear power and the importance of having that in our strategy of how we solve this problem. What is the best way to take action? Of course, we know that it is going to be more difficult for our electric power generators to generate the electricity that we are going to need. We know that for anyone that works or deals with hydrocarbons, it is going to drive their costs up. Certainly our trucking and logistics companies are going to see incredible increases in taxes. All of that doesn't get equated and rolled into the $3,128 per family that this would cost. These are all additional costs that would be seen in the increased cost of commodities that everyone is going to have to pay.

Now, one of the things that I have thought was, it's really quite curious, in all of this discussion, we all know that the best economic stimulus is a job. And you can't go anywhere right now without hearing about the economy. We all are worried about the recession and the length of the recession. We are worried about how we can energize this economy. We know the best economic stimulus is a job. And we know that the stimulus plans and the budget, all these ideas that have come from the Democrat side of the aisle, they tax too much, they borrow too much, and they spend too much. We all recognize this. But jobs growth is one of the things that we have focused on. Certainly with pushing the stimulus, we heard from the administration and the Democrat leadership, well, it was going to create 3 or 4 million new jobs. Well, as we have looked at this cap-and-tax proposal alone, just that portion of it, not looking at any other portion of it, we have seen that there are estimates that have come to us from CBO that the cap and tax could cost us as many as 3 or 4 million jobs. So putting this tax in place in the budget

would negate all the jobs that they think they would create by going through the stimulus and the money that they have put out there in the form of spending.

Also, I think that there has been much discussion about green jobs, and would this proposal create new green jobs? There is a good bit of study on this from Heritage Foundation and some others that say, no, such a proposal would actually reduce economic growth, reduce the gross domestic product and reduce employment opportunities. So for those of us who look at this as an issue of how we recover, what are the steps we take for this economy to recover, how do we reduce the tax burden, and then we look at the analysis not from you and me, but from outside entities, we see that this cap-and-tax scheme would be something that would be a jobs killer and a reduction in the gross domestic product of our Nation.

And I yield back to the gentleman from Illinois.

Mr. SHIMKUS. I wonder if my colleague would stay for a minute and just go into a little dialogue as to in an economic decline, where we are fighting for every job, why would we put an additional burden on our manufacturing sector and the average American citizen in the aspect of raising taxes? Why? It just doesn't seem sensible when you need to get the jobs to get the economy moving again. What do you think is going on?

□ 1845

Mrs. BLACKBURN. Well, my constituents ask this regularly, and I have had an opportunity this week to meet with some of my constituents who are in the auto manufacturing industry and who work in logistics. Their question is always what in the world do people in Washington think they are doing? Are they that removed from what is happening in our communities? Do they not understand how jobs growth takes place?

You've got to have some incentives there for jobs growth to take place. Certainly, it seems there is a disconnect here.

My constituents know you cannot spend your way to recovery, and you cannot build recovery on a foundation of debt. They absolutely understand that. And they are very concerned that in the midst of this recession, which troubles us all, and as you look at the jobs loss that is taking place, the amount of jobs loss that has taken place the first quarter of this year, we know that to increase taxes, you can go back and look time and again at how things have taken place through our history. Certainly you can look at the late seventies. If you want a recent example, look at what transpired in 1977, 1978, 1979 and 1980, I was a young mom at that point in time, 13 percent mortgage on homes, 20 percent inflation. Raising taxes in a recession does not work. We do know that lowering the rate of taxation and spurring economic growth is good for Main Street, it is good for the American people, and it is good for our GDP and for our government and our economy.

Mr. SHIMKUS. I thank my colleague. I think the answer is they have got such a large majority on their side of the aisle that this is the time to pass it. It is a religion now. It doesn't have to be based on facts or the time that is at hand. We can impose an additional burden on business and manufacturing and electricity generation. We can impose an additional burden on the household, but that doesn't matter. But it is going to matter because even in the analysis of the Warner-Lieberman bill, we are talking about thousands of jobs. And that, by the Henry Waxman model, that is a moderate bill. An analysis was done on that bill, and it was summarily dismissed on the floor of the Senate. Why? Because it was a job killer, a job destroyer.

So on this side we are rushing, like we are rushing all legislation, to move a cap-and-tax bill by Memorial Day which will be even more egregious than the Warner-Lieberman bill which projected thousands of jobs lost. It is a religion that has to have service now versus the needs of our citizens.

You know, here is the tax increase. Here is the mine that was shut down. Here are the coal miners that lost their jobs. You were at the hearing. We had the Ohio Coal Association testify. When I talked about the environmental impact and the loss of these jobs, do you remember how many jobs Ohio lost? They lost 36,000 coal miner jobs in the State of Ohio. That is why some of my colleagues on the other side in the other body voted no.

Fossil fuel, here are some basic facts. When we came on the floor during the energy debate, we said all of the above. In our Commerce hearing, there was a proposal given to one of the panelists, if we allowed the company to shut down the coal-fired power plant and they built a nuclear power plant, would they get some of these credits because they are going from emitting some to emitting none. The answer was no.

We were looking around asking, Isn't that why you are proposing this? Don't you understand that we still need electricity, a 30 percent increase in the next 20 years. I have a teenage son. I have told the story numerous times. At home I go down to the basement, he is watching cable TV, he has his iPod in and he is surfing on the wireless Internet; three times the amount of electricity. That is what America is today.

The demand is going up and we are going to stop the production of electricity, and then people talk about renewables. Let me quote the President, and I use this one quite a bit. This is from his inaugural address. ''We will harness the sun and the winds and the soil to fuel our cars and run our factories.'' No, we won't. There is no possible way.

Mrs. BLACKBURN. If the gentleman would yield, I wish you would read that quote one more time because as we talk about renewables and the renewable standards that are being placed out there that would be so harmful to our electric power generators, I think this is very important.

Mr. SHIMKUS. Before I read it again, the fact that in the renewable fuels debate, there is a debate upon calculation of the use of land which the EPA is going into. So if you are using bio-diesel, soy-diesel, they want to say if you produce soybeans, that encourages the Brazilians to go into the rainforest and so we want to mitigate that loss of the ability to sequester carbon in the rain forest, so we are going to say no to renewable fuels.

But here is from the inaugural address. ''We will harness the sun and the winds and the soil to fuel our cars and run our factories.'' Now I am a big renewable fuels guy. I like ethanol and I like bio-diesel. I think the thing that really stood out for me is ''run our factories.''

The stats I use are this. I just ask for one steel mill. I take a steel mill that uses 545 million kilowatts a year. It would require roughly 138 wind turbines on roughly 12,443 acres of land for that total output. However, during peak load at the steel mill, it requires 100,000 kilowatts. For that you would need roughly 825 turbines on 33,000 acres of land to account for peak load. Now that is just one steel plant that may be close to me. Now add to that the second steel mill and add to that the refinery. What we are trying to do in this process is help educate the people. Right now 1.6 percent of our electricity is generated by renewables. So let's double it. That's a good goal. So 3.2 percent of the energy would then be by renewables. You are still going to have 50 percent coal, 20 percent nuclear, 20 percent hydro. It is still going to be part of the electricity generation mix, and a critical part if we want low-cost energy.

Mrs. BLACKBURN. If the gentleman will yield, I hope you will put those figures on the amount of space it would take for the wind turbines and other components to fuel one steel factory. I would imagine your research also shows that one steel factory probably has one power generation area, and it would be interesting to see the amount of acreage required for that. But I would encourage the gentleman to put this on his Website so that constituents of ours who are listening to this debate can pull those down because what we are hearing is as people have moved to growing corn and growing products to make renewable fuels and ethanol and the bio-diesels, but especially the ethanol, we are hearing of food shortages in some areas because corn is not being used for food. And certainly Haiti and some other countries that have food shortages, we have that documented evidence that shows that there is a need to move that production into the food arena and not

necessarily into the ethanol area because of the food shortages that are existing in this world today. And certainly also because of the subsidies that are required to make ethanol affordable and to get the amount of energy that is used in producing a gallon of ethanol, to get that down.

Certainly research and innovation will help us with the renewables, but we are not to the point where this can become the primary source of our electricity, or it is going to shut down our manufacturing, our productivity, the movement of our transportation fuels, the use of transportation fuels, the movement of products and commodities around our country, and the ability of people to be able to go from one area of the country to another in a reasonable amount of time.

It is something that is of tremendous concern to us because as I said earlier, the best economic stimulus is a job. And all of the outside research and the data we have been able to compile shows that this is not going to create jobs, it is going to cost us, and there is going to be a negative impact on our GDP.

I yield back to the gentleman.

Mr. SHIMKUS. I thank my colleague from Tennessee for joining me. Many States have power companies. I am fortunate to have some that aren't for profit. They are rural electric coops, like the Illinois Municipal Electrical Association. So their ratepayers are their constituents, so the elected officials are running this electricity generating and operation and distribution system for the people who vote for them.

They have made themselves pretty clear that this cap-and-tax regime will create a huge tax burden on the people who vote for them.

I have some stats that were sent to me. The Illinois Municipal Electric Association revenue requirements, without allowances in 2015 are approximately $320 million, or $60 per megawatt. The cost with allowances at $20 per ton is $510 million.

This is additional cost incurred to the utility that has not been planned for. When you have an additional cost and you are providing a service or a good, business, whether it is profitable, for profit or not for profit, will cost will pass that cost on to the consumer. That's where we make this claim that a cap-and-tax regime will raise taxes on the individual and it will cost jobs.

One of my colleagues talked about this article in the paper today, ''China: Importers Need to Share Blame for Emissions,'' and it basically says that global warming would not require China to reduce emissions caused by goods manufactured there to meet demand elsewhere. The basic premise is that it is the people who are purchasing the goods who will pay for any burden increase.

Another story, ''University of Wisconsin-Milwaukee Study Could Realign Climate Change Theory,'' and I want to quote one paragraph.

'' 'In climate, when this happens, the climate state changes. You go from a cooling regime to a warming regime or a warming regime to a cooling regime. This way we were able to explain all of the fluctuations in the global temperature trend in the past century,' Tsonis said. 'The research team that sound the warming trend of the past 30 years has stopped and in fact global temperatures have leveled off since 2001.' The most recent climate shift probably occurred at about the year 2000.''

That is why the climate-change activists and those who promote the carbon tax regime, that is why they are so befuddled and they want to move this quickly because what has happened to the temperatures over the last 7 years? Has it gone up? No, it hasn't. The average temperature has gone down, and since it has gone down, it has got them very frustrated on how they are going to sell this cap-and-tax regime to the public.

□ 1900

Madam Speaker, I would like to submit for the RECORD these two articles for submission with this Special Order.

Madam Speaker, in the fall of last year, we really made a concerted effort to talk about the energy needs of this country, and we brought to the floor the basic debate that we wanted a more-of-the-above strategy. We wanted to incentivize coal, we wanted to incentivize nuclear power, we wanted to incentivize wind and solar, renewables, and we wanted them to compete for the public's demand based upon cost so that you would create jobs.

I brought this chart to the floor numerous times over the last Congress to point out the fallacy of not having an all-of-the-above strategy. And why I bring this up now is that this cap-and-tax regime will not help this all-of-the-above strategy, will not broaden the portfolio of fuels that we are able to use and compete for. It will restrict them to a point where we are going to price ourselves out of the ability to use fuels.

This chart is pretty clear; it just shows jobs being created in a—I wish it was a coal mine that is about 3,000 feet under the ground in southern Illinois, but it is an open mine probably in the Wyoming basin in Montana or Wyoming. And you see people working, recovering the coal. Recoverable coal.

Then you take that mine and you move it to a coal-to-liquid refinery. The jobs to build this refinery would be good-paying, building trade jobs. We have an expansion of an oil refinery in my district. Right now, in this economic decline, 1,000 jobs are being created to expand this refinery. That's the type of jobs you could have by building a coal-to-liquid refinery.

Then, wherever this refinery is located, you then develop a pipeline. I saw a natural gas pipeline being laid from my district last fall. It takes a lot of skilled labor, a lot of time, and a lot of patience to move a pipeline. And that is good-paying American jobs.

Then, in this case, the coal-to-liquid debate is a national security issue. We have in the United States an Air Force base where coal-to-liquid has been tested to be used in Air Force planes. This is what the Department of Defense wants for national security purposes to not be held captive to imported crude oil. This proposal, and proposals like this, are dead on arrival here in Washington. Why are they dead on arrival? They are dead on arrival because of this carbon tax provision, this carbon tax regime.

Again, I want to be clear; if my colleagues on the other side want to be intellectually honest, let's just tax it, know how much we're going to receive, and watch the pure transparency of the money going from the payees to the government, who is going to pay up. It is not the best solution, but it is better than setting up a trading floor, like so many that have been demagogued on this floor, of the rich getting richer by working the trading floor markets—the Bear Stearns of the world, the Goldman Sachs of the world, the NYMEXs of the world. And hopefully this will not get passed and signed into law, but I know that if it will, my friends will be down here arguing and complaining about the people who are manipulating that market. And that manipulation is going to cause costs to increase. And there is going to be a lot of wealthy people making a lot of money on a carbon tax regime, and it is going to cost many thousands of people their jobs.

In a slow economy, when you are trying to encourage job creation, job development, the best way to be competitive is to have low-cost energy. When only 1.6 percent of your electricity in this country is generated by renewables, you have to understand that you are not going to get to 90 percent of your electricity being generated by renewables. If we are good, we may get to 3.2. If we are extremely good, we may get to five.

So that begs the question of where the other electricity is being generated. If we want low-cost power, it has to be with the use of recoverable coal in our Midwest States and our northwestern mountainous States that have, arguably—this country has, arguably, 240 years of recoverable coal. That is coal that we can recover and use for practice. Now, we have a lot more, but that is the amount that we know that we can recover and still make money on it because their coal seams are big enough, you can engineer it and the like.

Madam Speaker, I appreciate this opportunity. I have been talking about energy for many years now on the floor. In the Energy and Commerce Committee, we have had numerous hearings on climate change and how to address this.

You will hear the terminology of cap-and-trade. Remember that the trading floor, which people will buy credits, those purchases of credits will raise the costs of people who use energy—whether they are truck drivers, whether they

are people who manufacture goods and services and use a lot of electricity, you name it, you buy it, there is going to be an added cost to that good or that service based upon climate change. That money will then go to the table to be split up by legislation that we pass here.

I would just hope that, first of all, we don't do that; but if we do, that that money goes to mitigate the loss of jobs or the increased cost to the individual consumer, not to grow government, not to create new policies. That money has to go to transform this Nation. I fear it will not. I fear it will not do the job.

My friend from Iowa is here. I only have a couple minutes. If he would like to join me, I would be happy to hear any comments he wants to add.

Mr. KING of Iowa. I thank the gentleman from Illinois. I appreciate the recognition.

I wanted to come down here and thank JOHN SHIMKUS for leading on energy all summer long with an intense effort, and for standing up for the fuel that means so much to the parts of this country, this massive supply of coal that we have, as a big piece of the entire picture of energy that we need to do.

What happens if they put this cap-and-tax on us? We are going to need more and more articulate voices to defend our values and to defend our economy. And the very idea that we can put a tax on energy is a tax on every consumer, it is a tax on our economy, it shrinks the American economy, and it lets the rest of the world out-compete us. And I just appreciate a minute to say so. I thank you. And congratulations to the gentleman from Illinois. I yield back.

Mr. SHIMKUS. I thank my colleague. And I think even my colleagues on the other side will understand the kind of sincerity I bring to this debate. Because in 1992, I was at a rally to save these coal miner jobs. It was at the Christian County Fairgrounds. This mine was closed because of the Clean Air Act Amendments of 1990. They shipped in western coal to meet the standards, and 1,200 miners lost their job.

There was a rally that brought in a lot of politicians who said they were there to fight to save these jobs. One of them whom was there voted for the Clean Air Act that destroyed these jobs. I think that's a little hypocritical. If you pass legislation that is going to destroy these jobs, don't come crying and saying, shame on that company for closing that mine down.

My job, through this whole cap-and-tax debate, is to make sure that, when all is said and done, this body, my constituents, will know that I did everything possible to save the remaining coal mining jobs in southern Illinois and I did everything possible to make sure that coal-fired electricity generation is still part of our portfolio because it is a low-cost fuel, and it will help us in our competitive nature in this country.

And so I want to walk away from this debate—hopefully I'll win, but I want to walk away from this debate saying, it is for these folks that I came down to fight. I know my colleagues on the other side, those who even disagree with the basic premise I think will appreciate the emotion and the fervor that I am going to bring to this.

[From the Indianapolis Star, Mar. 16, 2009]

CHINA: IMPORTERS NEED TO SHARE BLAME FOR EMISSIONS

(By Dina Cappiello)

WASHINGTON (AP).— Countries buying Chinese goods should be held responsible for the heat-trapping gases released during manufacturing in China, one of its top officials said Monday.

The argument could place an even greater burden on the U.S. for reducing pollution blamed for global warming.

Li Gao, China's chief climate negotiator, said that any fair international agreement to curb the gases blamed for global warming would not require China to reduce emissions caused by goods manufactured there to meet demand elsewhere.

China has surpassed the U.S. as the world's largest emitter of greenhouse gases. But 15 to 25 percent of its emissions are generated by manufacturing goods for export, Li said.

''As one of the developing countries, we are at the low end of the production line for the global economy. We produce products and these products are consumed by other countries. . . . This share of emissions should be taken by the consumers, but not the producers,'' Li said during a briefing at the Capitol's visitor center.

Li directs the climate changes department at the National Development and Reform Commission and was in Washington, along with negotiators from other countries, to meet with Obama administration officials. President Barack Obama has indicated a willingness to enter into a global agreement to reduce greenhouse gases.

But China's stance could be one of the stumbling blocks facing the U.S., China's largest trading partner, when negotiations to broker a new international treaty begin in Copenhagen in December. Li said China was not alone in thinking that emissions generated by the production of exports should be dealt with by importing countries.

Li also criticized proposals by the U.S. to place carbon tariffs on goods imported from countries that do not limit the gases blamed for global warming. Lawmakers on Capitol Hill are considering it as they draft legislation to control global warming pollution to ensure that U.S. goods can compete with cheaper imports from countries without regulation.

''If developed countries set a barrier in the name of climate change for trade, I think it is a disaster,'' Li said.

Neither China nor the U.S. ratified the last agreement, the Kyoto Protocol, which expires in 2012.

China has long insisted that developed nations bear the main responsibility for cutting emissions. As president, George W. Bush refused to sign the Kyoto Protocol because he said developing nations like India and China should not be exempt.

Negotiators from other governments at the Monday briefing, including the European Union and Japan, said that they would not support China's proposal to unload a portion of its greenhouse gas emissions on importers.

''I think the issue here is we take full responsibility and we . . . regulate all the emissions that come from our territory,'' said Artur Runge-Metzger, who heads the climate change strategy and international negotiations unit at the European Commission. Runge-Metzger said that if China's approach were adopted, it would require allowing other countries to have jurisdiction and legislative powers to control emissions outside their borders.

Li was joined by Vice Chairman Xie Zhenhua of the National Development and Reform Commission in his visit to Washington.

Xie met with U.S. climate envoy Todd Stern at the State Department on Monday. The talks in Copenhagen were among the topics discussed, said State Department spokesman Robert Wood.

''There's a willingness, particularly on the Chinese side, to really engage on the subject of climate change, and we welcome that,'' Wood said.

UW—MILWAUKEE STUDY COULD REALIGN CLIMATE CHANGE THEORY—SCIENTISTS CLAIM EARTH IS UNDERGOING NATURAL CLIMATE SHIFT

MILWAUKEE.—The bitter cold and record snowfalls from two wicked winters are causing people to ask if the global climate is truly changing.

The climate is known to be variable and, in recent years, more scientific thought and research has been focused on the global temperature and how humanity might be influencing it.

However, a new study by the University of Wisconsin-Milwaukee could turn the climate change world upside down.

Scientists at the university used a math application known as synchronized chaos and applied it to climate data taken over the past 100 years.

''Imagine that you have four synchronized swimmers and they are not holding hands and they do their program and everything is fine; now, if they begin to hold hands and hold hands tightly, most likely a slight error will destroy the synchronization. Well, we applied the same analogy to climate,'' researcher Dr. Anastasios Tsonis said.

Scientists said that the air and ocean systems of the earth are now showing signs of synchronizing with each other.

Eventually, the systems begin to couple and the synchronous state is destroyed, leading to a climate shift.

''In climate, when this happens, the climate state changes. You go from a cooling regime to a warming regime or a warming regime to a cooling regime. This way we were able to explain all the fluctuations in the global temperature trend in the past century,'' Tsonis said. ''The research team has found the warming trend of the past 30 years has stopped and in fact global temperatures have leveled off since 2001.''

The most recent climate shift probably occurred at about the year 2000.

Now the question is how has warming slowed and how much influence does human activity have?

''But if we don't understand what is natural, I don't think we can say much about what the humans are doing. So our interest is to understand—first the natural variability of climate—and then take it from there. So we were very excited when we realized a lot of changes in the past century from warmer to cooler and then back to warmer were all natural,'' Tsonis said.

Tsonis said he thinks the current trend of steady or even cooling earth temps may last a couple of decades or until the next climate shift occurs.

ALTERNATIVE ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Madam Speaker, I enjoyed listening to my colleague from Illinois. In fact, this is the second time today I have heard him speak on the floor and I have seen him point to the picture of the coal miners and talk about the problems of the Clean Air Act. And I hope every American was listening to that because that is exactly what we are talking about today.

We had, for decades, people burning dirty coal, turning rivers and lakes in other parts of the country, acid rain, destroying forests, posing problems to people's health. And what this Congress did, in a bipartisan effort, was create a mechanism to make it so that it was no longer free to pollute the air with dirty coal that created acid rain and destroyed lakes and forests.

My friend didn't want to talk about the problems to health, didn't want to talk about the issues that relate to the damage to the environment, or the fact that we were able to create the most effective market system in history that was able to solve a real problem to the environment, to health. Life went on. Yes, there were some changes in terms of the economy. There were some people who didn't—when it became too expensive for them to foul the air, spoil our lakes, and destroy our forests, then they shifted. Well, I would suggest, Madam Speaker, that any independent observer would suggest that that was a solid program and a good tradeoff.

I don't hear my friend from Illinois coming to the floor and saying, repeal the Clean Air Act so we can have a few more miners at work creating dirty coal that is going to ruin our environment and destroy health. That issue is over.

We are facing a very real challenge today about what we are going to do to protect the future of the planet. I will get into, in a moment, talking about some of the discussion that we have heard from our friends on the other side of the aisle, but one of the things that is very, very important to note is that they have no answer in terms of what we do to the slow cooking of the planet. They ignore the costs that are being incurred right this minute. Temperatures in Alaska have already gone up several degrees, permafrost is no longer permanent, roads are buckling, coastal villages washed away. These are costs and consequences that we are already seeing as the ocean levels slowly, imperceptibly to most of us, but very clear to scientists when they see the fabled Inland Passage in the Arctic Ocean free of ice, when we watch the habitat shrink for arctic animals, when we watch diseases shifting from vector control—West Nile disease, for instance, popping up in places where it shouldn't be, where invasive species are infesting our forests. These are costs and consequences that we are seeing now that my friends on the other side of the aisle refuse to come to grips with.

But we are not going to be able to have the same head-in-the-sand attitude that we saw from the Bush administration alone—of all the major governments in the world, alone—denying the imperative of global warming, withdrawing from opportunities to be collaborative on a national scale.

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What we had to have in the last 8 years, where the other side of the aisle simply accepted that sort of behavior from their administration and, in fact, aided and abetted and supported it, we had over 900 cities across the country come forward and say wait a minute, we're not going to wait for the Bush administration and the Federal Government. We are going to take it upon ourselves to deal with climate change and global warming and move to change our local economy, to prepare it for the future, and to help slow this damage to the environment by carbon pollution.

I come from a community in Portland, Oregon, where we have actually reduced greenhouse gas emissions for 4 years in a row. We're very close to being Kyoto compliant. It gave us an opportunity, frankly, to create new green jobs. We were competing with Houston and Denver for being the wind energy capital of the United States because we've been serious about energy conservation, transportation choices, land use, all of the things that are going to be part of a comprehensive solution to the threat of these changes to the climate and the carbon pollution. We've actually been able to make some progress and be positioned to deal with a carbon-constrained economy.

We need, Madam Speaker, for people to reflect on what is happening now. Just like my friend from Illinois didn't talk about the cost of acid rain. It didn't matter to him. He was concerned about a few miners in his district and didn't care about the damage to forests and human health and lakes and fishing. But we are already seeing the damage that is occurring as a result of climate change.

Speaking of acid rain, one of the things we are seeing is that the ocean is slowly becoming more and more acidic. This increased acidic content of the ocean is having a consequence in terms of damaging coral reefs. I mean these are the rain forests of the ocean. This is where billions and billions of different animals and plants reside up the food chain throughout the ecological system of the ocean that makes a difference in terms of how people on this planet are going to be fed. We are watching what has happened. There may be consequences in terms of the Earth's climate because of the change in the ocean's current and acidic level.

We are seeing across the country increases in extreme weather events, exactly what the scientists told us would happen. Yes, the world's atmosphere is increasing in temperature. Yes, we're seeing an increase in the sea level that could be 2 to 6 feet by the end of the next century. But we are already seeing vast stretches of this country in the flame zone being subjected to increased forest fires, to drought. In your areas in the Southeast, you have seen drought where it has not been a problem for years. In the Southwest, Lake Mead that supplies the city of Las Vegas is going down, causing massive disruption. We are watching changes that are taking place in terms of snowpack. My good friend and colleague from the Pacific Northwest, Mr. INSLEE, and I depend on snowpack for water supply and energy production. This makes a great deal of difference.

Madam Speaker, one of the concerns I have as I am listening to our friends on the other side of the aisle make things up about what is going to happen with a proposal to reduce carbon pollution and put a price on it, they assume somehow that this is going to result in money disappearing, that somehow this is just a tax that goes into the great government maw and there is nothing that comes out the other end. Well, as a practical matter, and I'm confident that in the course of this hour as I work with my friend Mr. INSLEE, who I see poised here in the front of the Chamber and I am hoping that he's willing to enter into this conversation with me because he knows a great deal about it, we hope that we will be able to encourage, if not our Republican friends, at least the American people to look at the President's budget. Look at what he has proposed to begin a comprehensive approach to transform our energy supply and slow global warming.

Yes, he recommends putting a price on carbon pollution, but he also recommends that this money would be generated by having the carbon polluters pay for the privilege, just like we did with acid rain so successfully that my friend from Illinois now is against. There are opportunities to be able to put this back into place because the program, and I'm just quoting from the President's budget, would be implemented through a cap and trade, like we did with acid rain, that will ensure that the biggest polluters don't enjoy a windfall. The program will fund vital investments in a clean energy future, which I think my friend Mr. INSLEE may have some thoughts about, $150 billion over the course of the next 10 years. The balance of the auction revenues are to be returned to the people, especially vulnerable families, communities, and business, to help the transition to the clean energy economy.

You know, there's a great NRDC blog that talks about Newt Gingrich's assertion that climate change will result in a $1,300 tax per household. And they point out it's simply voodoo economics.

First of all, he ignores the value of the carbon market. It just disappears.

He assumes that the money doesn't get returned to the taxpayers. Well, based on what New Gingrich and the Republicans did with their bridges to nowhere, with their profligate spending in Iraq, with their driving up the budget deficits and giving benefits to a few taxpayers at the expense of the many, I can understand the skepticism. He assumes that it won't be invested in energy conservation, saving us money. He assumes that communities aren't being helped. He assumes that it's not going to address regional differences in the cost of cutting global warming. He just assumes that somehow it's locked up someplace in a vault. Well, that's wrong. The President has outlined an approach that captures the value and makes America stronger, more energy reliant, and allows families the tools to reduce their escalating energy costs.

And I will conclude on this point and then yield to my colleague from Washington State if he's interested in joining in. But I want to say that we are facing now the consequences of an energy policy that was designed looking in a rear-view mirror for failed fossil fuels, lack of energy conservation, and not dealing with the technologies of the future. And as a result, energy bills are going up. As a result, we saw $4.11 a gallon gasoline last summer. We saw $700 billion leave this country to petroleum potentates when there's a different vision of the President and of those of us who want to do something not just about global warming but to retool and revitalize our green economy.

And with that I would like to yield to my colleague Mr. INSLEE, who's an author in this arena, a noted spokesperson who has been working for years in Congress before, as they say, it was fashionable, to talk about how our economy and our environment could look different.

Congressman INSLEE, welcome.

Mr. INSLEE. I appreciate, Mr. BLUMENAUER, coming forth to talk about this issue because we're about to really make a pretty big decision here, whether we're going to just continue doing nothing about our energy problems, this sort of inaction model. Some of my colleagues on the other side of the aisle basically are saying everything is hunky-dory and we should do nothing about the energy challenges we have. Or should we take a real step forward to try to move to transform our economy, to build millions of green collar jobs, to wean ourselves off of Middle Eastern oil and at the same time reduce the amount of global warming that is occurring?

We think we need to move. We think we need action. We don't think the current state of the economy is good enough for America. We think America is better than this for ways I'd like to talk about a little bit. And I don't think it's good enough to adopt this sort of approach some of my colleagues earlier were talking about to just say it's okay to be addicted to Middle Eastern oil, it's okay to allow the jobs of building electric cars to go to China.

It's not okay to let the jobs building wind turbines to go to Denmark. It's not okay to let the job of building solar cells go to China. We don't think that's okay. We want an American response to build those products here, to build those green collar jobs here.

Now, I meet with a lot of groups about energy. I was very heartened last weekend. I went to the Boston area to go to the Massachusetts Institute of Technology, the MIT Conference on Energy, and there's a group up at MIT of students, mostly post-graduate science and engineering students, and they have an energy club, and and once a year they have a meeting about energy. So I went up there to address their group. There were about 150, 200 students, and about 300 entrepreneurs and business people. And I was so excited to listen to what they saw as a vision for this country.

And for those who think we can just stay in the status quo, I wish they could meet these MIT students. These folks were telling me about the jobs we can create in the solar industry with concentrated solar energy power, like the Ausra Company that just built the first manufacturing plant for concentrated solar cell energy in Nevada. Just 2 months ago they opened up this plant. And these MIT students are chomping at the bit to start working in that technology. We were talking about the AltaRock Company, a company that's now exploring engineered geothermal up in the State of Washington. These MIT students just can't wait to start going out and start businesses around technology like that. We talked about the Sapphire Energy Company, a company that now is building production facilities to use algae to make biofuels. We talked about the A123 Company in Boston, which makes lithium-ion batteries so we can power our plug-in electric hybrid cars.

And what these MIT students told me is, Mr. Congressman, you build a structure to drive investment into these new technologies, and we will build the companies of the future and the jobs of the future to deliver a clean energy transformed economy for the United States.

And for anybody who is a pessimist about our ability to wean ourselves off of fossil fuel and wean ourselves off of Saudi Arabian oil, you ought to go out and meet these MIT students.

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But the businessmen there told us something, and this is the important point, I think. What the business people, these were venture capitalists, these were CEOs of major corporations, what they told us is that future will not come to pass, the green-collar jobs we are talking about, unless we adopt some rules of the road for a market-based economy that will not give such an advantage to fossil fuels but, in fact, will level the playing field.

And what they told me is that basically there is a couple of things we can do. One thing we can do is to essentially level the playing field between these new technologies and some of the older companies that have been subsidized for so long, like the oil and gas industry.

Now, basically, we can do that through a system that will drive investment towards these new jobs of the future. And, by the way, those new jobs of the future may include what we call sequestered coal. Some of my colleagues were here earlier talking a lot about coal. The folks up at MIT were telling me that we may be able to find a technology to sequester carbon dioxide when you gasify coal. It may be a possibility.

So we need some research dollars to make that come to pass. Well, we have a way of doing that, and President Obama has proposed a way of generating funds that can be used to essentially develop that technology, and he has proposed what's called a cap-and-trade or a cap-and-invest system which is, basically, it's pretty simple. We would establish a cap, a limit on the amount of pollution that polluting industries are allowed to put into the air.

We have done this to great success in acid rain, sulfur dioxide, which is the pollution that causes acid rain. Congress several years ago passed a cap, a limit on the amount of that acid rain pollution that we put into the atmosphere.

Now, President Obama has proposed doing the same for the pollutant that causes global warming, principally carbon dioxide. And then we would simply have the polluting industries buy, at auction, the permits to do that, and use the market system to establish a price for that.

Now, here's the important part about this approach. Number 1, it does, it takes action. It recognizes that the status quo is not good enough. And we are here tonight to say that America needs a better energy policy than the one we have right now. So, number one, it takes action.

Number two, when you do this, what the business people have told me all across this country, when you do this, it starts to drive investment into these new technologies that can create the green-collar jobs that we need so much in wind power, in solar power, in enhanced geothermal power, in electric cars and potentially in sequestered coal to use coal in that way. But to do that you have to put a price on carbon dioxide, and you have to limit the amount of this pollution that's going into the atmosphere. So we are here to say that we are capable of building a new transformed economy.

I want to make one other comment if I can, people have said that when you make an investment like this it costs some money. Well, any investment costs some money, when you buy a house, it costs some money. When you build an electric car, it costs you some

money. But the people who want us to just stay in the status quo don't understand that the door of inaction is going to cost us a heck of a lot more money.

Go ask the people up in Alaska whose homes tonight are washing into the Arctic Ocean because the permafrost is melting, these are Americans. There is a town in America that is going to have to be moved at the cost of about $30 million because it's basically melting into the Arctic Ocean because the tundra is melting underneath them. That's costing Americans a lot of money tonight. We need to figure that into the proposition.

Go ask the farmers in California, who are losing their farms tonight because we have this horrendous drought, an unprecedented drought in the western United States, who are losing their farms and their livelihoods. Ask them if there is a cost associated with global warming.

Ask the folks who are losing salmon, the salmon fishermen on the west coast—I am from Washington, Mr. BLUMENAUER is from Oregon—ask them the cost of inaction of losing their livelihood because we lost salmon runs because there wasn't enough water in the rivers last year to have a salmon harvest.

Americans are getting costs tonight that we cannot ignore, and we know those costs are going to be greater than any investments that we make. By the way, those investments that we make under our plan, here is what is going to happen, and this is President Obama's plan. Polluting industries are going to do what they should do, which is to have to pay some cost to put pollution into the atmosphere.

You know, when you and I go to the dump, we pay $25 to dump our junk in the garbage dump. We can't just dump it for free. And under our plan polluting industries will pay some cost associated with putting pollution into the atmosphere, as determined by the market. They will bid against each other, and the highest bidder will get the permit.

So they will get to finally recognize the atmosphere as not a personal dumping ground for a coal-fired plant but, in fact, something we share that has a market value. So they will put money into the pot to buy those permits.

That money will then go back to the American people in a variety of ways. First it will go back to the American people in making an investment for America in common to build these new industries to do the research and development it takes so these jobs will be here, not China. It will go back to the American people as an investment to build research facilities to build lithium ion batteries here in this country rather than China and Korea, that's number 1.

Number two, it will go back to the American people in a substantial tax cut, probably the largest tax cut America has seen for the middle class, to make permanent some of these tax cuts. It's going to go right back to the American people.

Third, it will go back in a way, and there are several ways we can do this, to help some of the communities that might be disadvantaged, potentially, by job loss and energy-intensive industries around steel mills and the like. The point is it will go back to the American people, and it go in a way that will reduce the cost for Americans, not increase it.

Now, if you think I am just making this stuff up, people can go check an authoritative view, an assessment of the cost of this, and it basically concluded as this has net positive costs. I mean, it doesn't have costs relative to what's going to happen to our economy if we do not act, and that's from an assessment done on the GNP that predicted we would have a 5 percent reduction.

Lloyd Stern, a very well respected economist from England, he and his team did this assessment. They concluded we will have net negative costs relative to this inaction.

So we are here to say we have a vision based on confidence that Americans still have the right stuff, that people who put a man on the Moon still have the right stuff. And if we go out and make these investments, we are going to put Americans to work building these green-collar jobs right in this country. If we don't, we are going to lose jobs.

Mr. BLUMENAUER. I very much appreciate the perspective you bring to this discussion, and I very much appreciate you referencing the Stern report. This is an opportunity, we both serve on the Speaker's Select Committee for Energy Independence and Global Warming, having a chance to deal with the British Parliament hearing and Sir Nicholas Stern lay out the result of his research.

And by a 5–1 margin, the cost, the risks, the costs that we are looking at were far greater than any cost of implementation, and as you have outlined in great detail, there are many opportunities, if we do this right, to revitalize our economy, to reduce costs right now to American families.

Just four categories of climate damage alone, hurricanes, higher energy bills, property lost to rising sea level and water-supply impacts are predicted to cost the average family $2,000 a year by 2025; by 2050, that increases another 50 percent to $3,000 a year; and by the end of the next century, $11,000 per family, just for those elements.

Now, those estimates ignore, because they are a little hard to quantify, but as you pointed out, they are real. The added cost of drought, flood, wildfires, the mud slides that follow, agricultural damage and the value of lost life. We saw thousands of people lose their lives a few years ago in Europe, in France. We saw hundreds of people die in the Midwest.

These are real problems that our friends on the other side have no answers for. They are, instead, paying—I am stunned that they would come to the floor and argue against.

Mr. INSLEE. I just had a thought, as you were talking. I have seen this movie before of those who didn't want to take action, and I am trying to remember where I saw it before and I just flashed on where it was. It was in Katrina, because if you think about some of my colleagues who don't want to take action to protect against natural disaster, it's kind of like the response of the administration to Hurricane Katrina in New Orleans where they did not make a response to a natural disaster.

And we are now experiencing a natural disaster of enormous implications and costs. What I think this is like is if we had come forward the day before Katrina with meteorological evidence that this hurricane is coming, and we went to President Bush and we said, if we make this investment, we can build these levees real fast and protect this city from this known damage that's coming our way.

You know what our friends across the aisle would have said? Costs too much money. It's just another socialist experiment. And that's pretty much what the administration's attitude was in Katrina even when that was happening.

Now, we have a slow-motion disaster which is a lot worse than Katrina. But their philosophy is the same, which is to not spend a dollar for investment against a known risk. And so I just want to suggest it's a similar situation.

Mr. BLUMENAUER. Well, I appreciate your clarification and amplification. It is stunning to hear my friend on the other side of the aisle think that the Clean Air Act failed, and because a few people admittedly lost their jobs mining dirty coal, that somehow it wasn't worth stopping the damage to lakes and forests and human health. We put a price on a pollutant, as you pointed out, sulfur dioxide.

People paid and pretty soon we had reversed the damage and we were cleaning it up. There are costs now that the American public is paying. There are greater, future costs that we can avoid, an opportunity to strengthen America and strengthen our economy.

I see we have been joined by our colleague from Colorado, Congressman POLIS, if you would wish to enter into this dialogue, I know you have been an avid supporter of a strong environment. You come from a community that cares deeply about this, and we would welcome your thoughts and observations if you would care to join us.

Mr. POLIS. Here in Congress, and as a new Member going through the budget process and looking at a lot of these issues for the first time, I am really struck by the fact that as we discuss numbers on the cost side, we are not accounting for the cost of not taking action which, in many cases, particularly with regard to reducing our carbon emissions, are far greater than a

lot of the costs that we are looking at with regard to the actions we need to take.

So a more comprehensive and an integral approach to kind of how we look at costs is absolutely critical here.

You mentioned as well, the Clean Air and Clean Water Act. There are ways, economic ways to put a value, a beyond the moral value of preserving our rivers and preserving our trees. There is a very legitimate moral value, whether you derived that from a faith-based position or another position, there are actual economic costs of our value of our natural heritage and our natural assets. When minerals or oil and gas are extracted, they are extracted once, they are gone.

We are losing a national asset. It's not a renewable energy source. And these are not looked at in terms of coming from the financial calculations with regard to the programs that we are proposing.

So I think it would be some benefit in trying to apply some more integral accounting and economic modeling and budgetary techniques to looking at the real cost of doing nothing and, in fact, the real savings from taking action. When you are taking action to preserve our rivers and streams and forest, for instance, you might look at the direct economic cost of that to businesses, but you also have to look at the natural capital that is preserved, that is a true form of capital wealth for our great country that deserves every bit as much consideration as the direct dollars and cents associated with implementation of these policies.

Mr. BLUMENAUER. I very much appreciate your observations. We have been joined by my colleague from New York, Congressman TONKO from Albany who, in a prior life, as I recall, was CEO of the New York State Energy and Research Development Authority. You have got some practical applications, both in your private sector experience and your work for years in the New York State Assembly. We will welcome thoughts and observations that you would have to add to the conversation.

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Mr. TONKO. Thank you, Congressman. I think it's absolutely important that we move forward with progressive policy in the energy area. I chaired the Energy Committee in the New York State Assembly for 15 years. And, you're right, went on to serve as president and CEO at NYSERDA, where we focused on renewables, efficiency, research and development. The investment that we saw was tremendously powerful to the economy and where we worked on several projects that really promoted efficiency and conservation measures.

What I think is important to note here is that this President, this administration, has shared a vision with a laser-sharp focus and shared with a very direct boldness about the opportunity we have now as a Nation.

We have witnessed the last several years of conflicts in the Middle East, and so many believe that was over the commodity of oil. We know that that fossil-based dependency pollutes the environment and that we have an opportunity here to not only address our future and job creation, but our environment and greening up the outcomes, leaving not only this generation, but certainly those to follow much cleaner air to breathe and a stronger sense of environment-friendly policy.

Where I think the significance comes here is that we can grow our energy independence. We can strengthen that outcome by reducing what is a gluttonous dependency on fossil-based fuels, oftentimes imported and from some of the most troubled spots in the world that have unstable governments. And it's why we were drawn into a conflict, I think, because of our dependency on that area for our energy commodities.

While we can reduce that dependence on fossil-based fuels, we can strengthen our energy security, which is a good thing. It's a great bit of policy initiative that we should have pull us along this roadway of progressive politics as it relates to energy generation and energy usage.

We also, when we reduce that dependency and grow the energy security, we grow and strengthen our national security, which is an important factor in the international concepts. We are able to move forward in a way that I think promotes a much more stable national security outcome for our Nation and generations, again, to follow.

So, as we do this, I believe the investments we can make now by the policies that will build an investment in renewables, in shelf-ready opportunities to grow energy efficient outcomes, to retrofit our businesses, to retrofit our farms. We did projects through NYSERDA that spoke favorably, overwhelmingly favorably, to dairy farmers, who are dealing with perishable products, who are dealing with perishable produce, that were dealing with a very important bit of nature. They couldn't avoid at times the peak periods where they could perhaps avoid priciest power. They needed to have some sort of addressing of those situations.

What we were able to do is retrofit those dairy farms and allow for them to reduce their energy costs, which allows for them to feed this Nation in a more effective way.

So, also, as we create these opportunities through investment and research and development, we are growing significant jobs, tremendous jobs that will call upon the engineer out there, the inventor, the innovator, and we know that there's a great career ladder we can build there.

We are investing in the trades because the trading out and the retrofit of these systems, they will maintain, operate, and repair these situations so that, again, job creation galore here that can really allow us to breathe freer in terms of creating the energy that we need and how we use that energy.

What I also would make mention of is that R&D, research and development, should be seen as economic development. I believe that by investing in that sort of future, by creating the funds that will allow for a blueprint for our energy future, that allows us to take that intellectual capacity as a Nation, to take our brain power as Americans, and put it to work so that we can deploy these success stories into the commercial sector, where we can do cutting edge, where we already have ready opportunities, they need to be inserted into the outcomes here in the States, and we also can move forward with many, many new opportunities in this energy-driven, innovative economy that is so boldly expressed by this President and certainly by Speaker PELOSI and the leadership of this House.

So I see a great opportunity here for this Nation to respond favorably to the energy needs of this country, to do it much more independent of reliance on some of the most troubled spots in the world, and doing it in a way that creates significant career ladders for people across the strata of job opportunities, from trades on up to those who hold bachelor's and master's and doctorate degrees that can assist this Nation.

Mr. BLUMENAUER. We deeply appreciate your adding a voice of experience as somebody who dealt not just with the policy but the practice to demonstrate how this money somehow doesn't disappear, but is reinvested, creates wealth, creates economic opportunities for a wide variety of people.

Mr. TONKO. Certainly. As we struggle through these very difficult economic times, job creation, job retention is at the forefront of the work we do. We all talk about it every day. This is a good way that not only grows jobs but grows that energy independence and strengthens the energy outcome, and it does it in an environmentally friendly way.

So it's a powerful statement that we can make here as legislators.

Mr. BLUMENAUER. I appreciate that very much.

Mr. INSLEE.

Mr. INSLEE. Thank you. I want to continue this discussion of job creation. I want to address—some of our colleagues may be watching tonight, possibly—a couple of industries that are concerned about this. One is the coal industry and one is the auto industry, two great industries doing hard work for a long time. And I want to address how our proposals tonight I believe long term will help those people working in those industries. Not hurt them, but help them, which we want to do. These are great, hardworking people.

I want to address the auto industry first. We know the difficulty we have

right now with many thousands of Americans who are in difficult straits in the auto industry right now. I believe that what we are proposing here can be a great tool for the rebirth of the American auto industry. Here's the reason I believe this.

Right now, we are in a race to build the next generation of the new car of the next couple of decades. We know it's going to be different than the car of the last several decades. We know it has to be. It has to not use as much Saudi Arabian oil so we would be addicted to Saudi Arabian oil as much.

We know it has to be advanced on materials. We are in a race to preserve the jobs of the American auto industry against folks in China who want to take these jobs and against folks in Korea who want to take these jobs. We are in a race right now with them to get these jobs in this country.

Well, to get these jobs in this country, we know we have to have the technology here to build these next generation of cars. We know to do that, we are going to need an investment to help the research and to help the retooling of these domestic auto industries to retool to start to build electric plug-in cars and the aerodynamic cars and the cars that can move to these new technologies with the new biofuel cars.

We have to win this race with China and Korea. To do that, we need an investment pool to help the auto industry to do that. Where are we going to get this pool? We are not suggesting we get it from some tax of lower- and middle-income Americans. We are suggesting we get it from an auction of the right to put pollution into the atmosphere and then use those funds to help auto workers build the cars of tomorrow and, for those who can't, to be retrained to help in some other industries, which is an important part of this.

Let me tell you why retraining is important. There's a company in Washington State called Infinia. Infinia makes a Stirling engine, a concentrating solar power system that basically it's a big parabola and concentrates the sun's energy and uses thermal energy from the sun to create electricity.

Guess who's the perfect workers to build those? It's auto workers. Because this technology is essentially right out of Detroit. Whatever you use to build a car, you use to build this Stirling engine, which could be one piece of the puzzle. They are now selling tons of these Stirling engines to Spain, and they are worried about having to build—not this company, but others in Spain—because Spain has policies like we are now advocating to try to move Spain forward. We need this right in this country.

Move to coal. People are concerned about coal. A company called Ramgen, which is a company that has figured out a way to compress carbon dioxide so you can stick it under the ground to continue to burn coal. We know we need to have those technologies if it's going to be a meaningful player in the future.

Thanks.

Mr. BLUMENAUER. Super. As we move into our last 10 minutes, I would like to turn again to my colleague from Boulder to share some of your further thoughts in terms of where you think we are now and how we move this forward.

Mr. POLIS. I'd like to build on some of my colleague from Washington's arguments about the opportunity for growth in the green economy.

My district and, in particular, Boulder, Colorado, has been a center of growth in the green jobs industry. In fact, when President Obama signed the Recovery Act a few weeks ago, he did so in Denver, and invited a company from my district, Namaste Solar, a company that had three people 3 years ago, now is up to 45 people, install solar home panels.

This has been—and, like many districts in the country, of course my district has been hit by this recession. We have seen unemployment rise. One of the biggest sectors we have seen job growth in is these green economy jobs—solar energy, the research and development.

It's not only areas that have strong solar and wind geophysical characteristics. We are also talking about energy conservation. There are several model homes in my district that are net energy positive. Put energy back on the grid. They get there, yes, with solar panels, but also by reducing their energy consumption, looking at insulation, a smart grid, and Boulder is the pilot for allowing energy consumption when there is more power on the grid and turning many homes into net energy producers during part of the day, as well, and having an intelligence aspect to appliances so they can draw from the grid when we have extra capacity.

Researching, developing and, yes, manufacturing these products are going to be a major sector for economic growth across our country in the future. When we talk about where America can still be competitive and will be competitive in manufacturing, it's in these high-tech items.

We do have a hard time, and we have been losing jobs to other countries in some of the manufacturing jobs that gave our middle class strength in the 20th century. But I am optimistic that we can grow in some of these short order, smart appliances, which traditionally have been and will continue to be developed and brought to market right here in this country, and be a critical part of this new economy.

I have had the chance to visit with a number of companies in our district. Our district is really a hot bed of entrepreneurial activity. And there are others in other parts of the country.

The more that public policy can embrace this, the more that we can serve the dual goal of fostering economic development as well as preserving our natural heritage, reducing our carbon emissions and reliance on foreign oil, and all the issues which a number of my colleagues have so ably discussed that are critical reasons to invest in the green economy boom.

Mr. BLUMENAUER. I appreciate you zeroing in, both of you, talking about the value that is added. A wind turbine, for instance, has more than 8,000 parts. There's cement, steel, ball bearings, copper, wiring. It goes up and down the production line. As soon as that order is placed, it moves out throughout the economy.

Congressman TONKO.

Mr. TONKO. Right, Congressman BLUMENAUER. I'm enthralled by the comment made by Congressman INSLEE about the auto industry and the work that we can be doing on investing in new ideas and new concepts. Just in our recovery package that we did a few weeks ago was a major investment in advanced battery technology. That advanced battery technology can speak to not only transportation sectors in our economy, but to energy generation. And it may hold the secret to an awful lot of progress that we can make.

If we continue to invest in that R&D, I'm convinced we will have the automobile of the future. Also, when we look at some of these investments in R&D, they will incorporate other sectors of the economy like the ag economy, where you can diversify that ag economy to grow the produce that would be required to go forward with some of the fuels that we can create simply by using cellulosic formulas that include perhaps switch grass or soy products or whatever and go forward in a smart way that will look at the best outcomes that we can encourage by the government, based on energy required to create new energy, impacts on the ag, impact on environment, do those quantifiable studies and then determine what path to follow.

□ 2000

But we can do this with a great degree of skill and analysis that will move us into a new generation of thinking. But it takes the boldness, It takes that major step forward.

To your point about some of the opportunities with renewables, we are bringing in all aspects of opportunity from R&D from the highest technical sense on to the trades that will install these facilities and allow us to move forward with a smart grid to connect all of this, the smart metering concepts that we need to invest in so that we are using the power at the right time and making those consumer judgments that are in our best interests individually or household-wise and also collectively in a way that has the smartest energy consumers possible with the choices being placed before us and the job creation that is embraced by this sort of an agenda.

So I am really encouraged by the work that is being done in this House.

I know that in a caucus that we have created that deals with sustainable energy and environment outcomes, that is a powerful place to share these ideas and grow the synergy that will produce the policies that take us forward.

Mr. BLUMENAUER. I appreciate that. And as I turn to my friend from Washington to conclude this session for us this evening, I do hope that our friends who are watching this program on TV, on C–SPAN, go to the President's budget. I hope they look on page 21. It is available at www.budget.gov. There are copies available in libraries. Look on page 21 where the President outlines his goal. He is talking about putting a price on carbon pollution, yes, returning the benefit to the American consumer, the American economy to be able to reduce our dependence on foreign oil, to reduce costs for paying for utilities, to be able to spark that green economy.

You know, I am struck by people who are making things up about what is in the President's plan and outlandish numbers that are associated with it, and I think we have gone a long way tonight towards debunking that and talking about the real cost that the American consumer and the environment is paying right now. But I am hopeful that people will embrace this, like we embraced the Clean Air Act where, on a bipartisan basis, people decided that it wasn't fair to pollute the atmosphere with sulfur dioxide; that we were going to have acid rain, that we are going to poison lakes in your area and kill forests. We put a price on it, and we were able to make remarkable progress with a very light touch as far as the government is concerned. We have this opportunity with carbon pollution to do exactly the same thing. The stakes, if anything, are higher.

I hope that our friends on the other side of the aisle stop this line of argument that somehow the Clean Air Act was a mistake, that a few polluting jobs were worth the damage that it inflicted on the environment, and ignore the lessons that we have learned.

Congressman INSLEE, I would appreciate it if you would kind of take us home.

Mr. INSLEE. Well, I would take it home to say this is an American approach to a problem. It really is. We basically are following in the footsteps of what Americans have always done when they are presented with a problem.

Number one, when Americans are presented with a challenge, we act. We don't just sit around on our hands. Some people are saying we should do nothing about this. We believe we need a new energy transformation of our economy to deal with this. So that is number one, we act. We are not a passive people.

Number two, we act with confidence in our ability to innovate and find solutions to these problems based on technological solutions. Other people think we are just too dull to figure out how not to just burn fossil fuels. We think we are smart enough that the people who went to the moon and invented the cup holder ought to be able to invent ways to solve this problem. So we act with confidence.

Third, we would like to act in a bipartisan way. You know, you would think that growing green collar jobs and saving the planet from global warming would be a bipartisan thing; but, unfortunately, so far in this debate we have advocated an action plan, and there is a thousand ways to skin this cat, there is various ways to deal with regional cost disparities, there is various ways to distribute the pool of revenue between research and helping low income people. There is all kinds of permutations that we are going to find a consensus on eventually. But, unfortunately, our friends across the aisle have just adopted a favorite movie of Ian Fleming, ''Dr. No.'' They have just said no. And I hope that over time some of our friends across the aisle will join us in finding a consensus on how to move forward. If we do that, we are going to continue to enjoy successes in building jobs for Americans like we have in the wind energy industry.

I will just close with this one comment. People 4 or 5 years ago said that wind turbines were kind of child's play; they were a fancy toy of a bunch of fruitcakes out on the West Coast who were dreaming in their teepees of how to solve this problem. Today, America is the leading producer of wind power in the world, and more people work today in the wind power industry than in the coal mining industry and it is the fastest growing of energy in the United States.

This is the kind of future that we believe we can move forward in. It doesn't mean that we are going to replace coal necessarily. We are going to use this money that we are going to generate from this plan to try to find a way to burn coal cleanly, because we think we ought to look at all possible approaches to this problem. So we are going to act, we are going to be confident, we are going to believe in bipartisanship, and we are going to believe in innovation. That is the American response to this problem, and I look forward to when we get this done. Thank you, Mr. BLUMENAUER.

Mr. BLUMENAUER. Well said.

Mr. Speaker, we yield back the balance of our time.

ETHICAL ISSUES THAT NEED TO BE RESOLVED

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Mr. Speaker, I appreciate being recognized for this time.

I have been coming down here now for 2 or 3 weeks talking about fact that we have some ethical issues that need to be resolved, and that is something I think is important. I am going to try to frame that so you can understand why I think it is important.

Tonight, we have been talking about Mr. Obama's budget. I just enjoyed immensely the argument that was just made a few minutes ago about energy. And I really wish, sometime it would really be nice up here if we could do one of these things where we talk back and forth and ask questions. I would like to address that a little bit, because it is a big part of this budget. It is going to be this huge tax program that is being put together, and I would like some questions answered.

It seems to me that what I heard argued just a few minutes ago was that we have a real crisis with carbon, carbon dioxide. I think most Americans know that we are major producers of carbon dioxide. If you don't think so, take a big breath and then let it out, and you will have just produced carbon dioxide. So I think we realize that it is kind of a natural process that is going on. But if we need to fix that, then we need to slow down the amount of carbon dioxide going out into the atmosphere. And as I understand the proposal is that let's say you have a widget plant that is belching out carbon dioxide into the atmosphere in record numbers because it is burning, let's just use that horrible substance they were discussing, coal. And even though it is being scrubbed for the sulfur dioxide, which the Clean Air Act dealt with, it is still putting out carbon dioxide, the substance that is the part of the fuel of photosynthesis in plants across the entire global, including the microscopic plants that grow in the oceans of the world, and it is just too much.

Now, the plan they are proposing in the President's budget, as I understand it, is that they will have to pay a tax that the government would say this is the amount of carbon dioxide we are going to allow to come out of one source, and the government would determine what that ceiling would be. It is called a cap. And then they would say, every bit that you put out above that cap, we are going to tax you on it because we are going to use the tax money to acquire some kind of credits that the people are selling that don't pollute. Or maybe they are not even going to that. Maybe they are just saying, we are going to tax you so we can do research and development on new energy, which is what they seem to be saying tonight. If that be the case, then how does that tax stop that carbon emission out of that plant? I don't get that. Maybe someone can explain it to me.

Now, I guess, yes, you could stop it if the tax were so onerous that the plant owner said the product that I am producing, and let's say on that particular plant rather than it being widgets it is electricity, that this is going to make my cost of electricity so onerous that I won't be able to sell my electricity so I will just shut down my electricity

plant. That is the way economy works. At some point in time when the cost is such that you can't make a profit from the product that you are producing, maybe you would shut it down. I don't understand how that would help particularly the energy problems of the United States, and I don't think that is what would be envisioned.

I think what would really be envisioned is that the evil corporation, if you will, would have to pay the tax and eat the tax. In other words, it would come out of their profits. Now, the evil corporation is really a group of American citizens and maybe other country citizens who have bought stock in the evil corporation, and they have invested their money in it in hopes that they would make a profit. And so is the solution that you think the corporation is going to do is that this tax that has been put on this coal emission is going to be paid by the corporation, which means by the stockholders, the owners, so they are just going the take less profit. At what point in time are the owners, that is the stockholders, going to be happy with their profit being reduced until they make no profit? I don't think very long. So then they would close down our power plant. But that is not what the solution is, either.

The reality is, and it is in every case in every industry demonstrated every day across the world, is that tax will then go to the consumer of the product that that company is selling. Therefore, the cap tax we just heard about from our colleagues on the other side of the aisle would be paid by the consumer. Unless you are sitting in the dark watching television by candlelight, you are probably using electricity in your home. I say that tongue in cheek, because I guess you could watch television with a battery. But the facts are you are burning electricity every day, and you are going to pay the tax.

Now, they are going to put a tax on oil and gas products because they create carbon emissions, CO_2, the same as you create carbon emissions, by breathing. So they are going to tax the oil and gas industry. And guess who is going to pay the tax; the oil and gas industry is going to pass that tax on to the consumer. So if it is a nickel on a gallons of gasoline, the nickel is going to be yours to pay. If it is 50 cents on a gallon of gasoline, the 50 cents is going to be yours to pay, and the price of gasoline is going up.

□ 2015

The price of gasoline is going up.

There is a bigger picture here you need to see. If you could look around this room, this gigantic House of Representatives, you would see leather and wooden seats, beautiful carpeting, gorgeous lights everywhere, all these various paintings and tapestries on the walls, glass, brass, steel, concrete and stone. All of that is in this room right here. How do you think it got here? How do you think the wallpaper up there got here? Did somebody bring it up here with a horse? Did they pack it on their back? No. They put it in a truck or on a train. And that truck or train delivered everything in this room to this building to be installed by the workers who got here in automobiles and pickups. So everything in this room was brought to you by motor fuel, including diesel fuel that burns in our trains that pull our freight cars. So everything in this room was brought to you by diesel or gasoline. So if tomorrow you were rebuilding this room, and if our new and wonderful ''nobody in the middle class will have to pay tax increase'' that we were just told by our colleagues, if that is there, then if it costs the wallpaper people extra money to get the wallpaper here because the price of diesel has gone up 20 cents a gallon, then the price of wallpaper is going up 20 cents a roll, or some equivalent, to make it up. If the brass manufacturers, if they are not using any kind of fuel to make brass, but they are shipping it here somehow magically, they are going to use diesel, because that is what drives our trucks. And the brass is going up, the concrete is going up, and the leather is going up. Everything in this room is going up because we have placed a new tax on fuel.

Now, is any of that fuel not being burned? No. That fuel is still being burned. Is there carbon going into the atmosphere? Yes. There is carbon going into the atmosphere. Guess who is paying this tax? You are. And you're going to pay it if you make $10,000 a year, and you're going to pay it if you make $10 million a year because you're a consumer. And so the tax is going to be passed down to the consumer. So when you say this is not a tax on the middle class, it is a farce.

That comes back to the issue of people need to make trustworthy statements when they say things around here. People need to explain things in a clear picture so the public can understand it. Then the American public needs to decide what is right and what is wrong. To me, I would like anybody to explain to me how this stuff would get here if it wasn't for a diesel truck or a train. I would like anybody to tell me how that would happen. Or maybe they fly an airplane in here on air freight, which is even more expensive and which is going to have an even bigger tax on it because it is a fuel guzzler and it creates carbon.

So what we have been told here tonight is that there is going to be no tax on the middle class. Yet, people who do something that I wouldn't do for a living, but sit around and calculate an estimate of what these things might cost, are saying that this new energy tax, this tax on energy is going to cost every household in America $3,128 annually. Now maybe for somebody making $250,000 a year, that hurts a little bit. But, boy, it hurts the heck out of the teacher in Round Rock, Texas, making $32,000 a year. It hurts the heck out of that truck driver that drives that truck that maybe makes $30,000 a year or $35,000 a year. If he is really a hustler, he makes $50,000 a year. Everything he is going to use, plus the fuel he is burning, is going to cost him more. And the freight charges are going up.

So, wake up. You can't put a tax on something that everybody uses and not expect everybody to have to pay for the tax. It is just that simple. This is not rocket science. This is basic logic 101.

The reason we need to have ethical issues resolved in this House is because the American people need to learn to trust us to try to shoot straight with them. And those people who don't have a track record of shooting straight, at least you can make that conclusion because of accusations made against them, maybe you should worry about their leadership. Now, the question I would ask myself and you—and what my whole position has been on ethics issues is that these ethics issues need to be resolved so that you know you can trust when somebody stands up at that mic or that one over there or this one right here and tells you something, and you say, yeah, but what about that accusation? Hey, maybe it's not true. Okay, maybe it is not true. But it ought to be resolved. This body ought to resolve accusations that are made against the people that they have done something that is unethical.

Now, I'm not making the accusations. I'm telling you that the newspapers are making the accusations, the talk shows are making the accusations, the TV news at 6 o'clock is making the accusations, and people that claim to be the watchdogs of American politics are making the accusations. I just want them resolved. I want the Ethics Committee or the courts or whoever it takes to resolve the issues to resolve the issues, so that when somebody stands up here and tells you there is not going to be a tax on the middle class, but we are going to tax every kind of carbon-burned fuel, when 90 percent of the fuel, probably 95 percent of the fuel used for every purpose on the face of this Earth is carbon based, then do you know what? You're going to say, ''I would like to know if that is somebody that is very trustworthy that I ought to be listening to.''

I hope that is not convoluted logic. But I sit here and ask you, if you assume that what these gentlemen said tonight was true, and they are going to use this stuff for research to come up with alternative fuels, you tell me when is the first truck going to be invented with an electric motor big enough to haul freight down the highways of the United States? When is it going to happen? Nobody is talking about that. They are not talking about it because the electric engine that it would take to haul the loads of freight down the interstate to bring stuff to your home so you have the goods and the services of this Nation, that electrical engine would be as big as that

podium or bigger than the Speaker's tonight. In fact, they even make some electric engines that size in my district for ships in the sea. And they are gigantic, half as big as this room, to get the kind of torque, to get the kind of power out of electricity to pull a heavy load. So, think when you hear these things being talked about, how long will it take to get to a point that goods and services can be brought to you the way they are brought to you now without this tax being imposed upon you? I would submit, it is not decades. It may be centuries.

So, I'm a little off the subject. But when you start talking about this budget, this is the kind of thing we want to talk about. Can you honestly think that you're getting a straight shot when you hear about some of this stuff?

I'm very happy to see my friend from North Carolina. She is one of the real tough ladies in this House. VIRGINIA FOXX is here to join me. And I'm glad to have her. I will yield whatever time the gentlelady may use up.

Ms. FOXX. Well, I thank my colleague from Texas for starting this Special Order tonight and giving me a chance to come down and be you with you and spend some time talking about several different issues. I certainly agree with you that it is important for the American people to have faith and trust in their elected officials. And I think that there is a great deal of cynicism in this country. And people wonder what can they believe in? I think that it is important that when they hear us speaking on the floor, or they get letters from us, or they have other means of communications from us, that they know that we are telling them the truth.

When I first came here, we had folks speaking on the floor almost every night. A group of us who were new in the Congress that year, in 2005, were so concerned about the things that were being said that we established a group called the ''Truth Squad.'' And we would come down at night after that group would speak and set the record straight by giving out what we thought were true statements. They were often very different from the statements that were being made by our colleagues. I think it is important that we do this on every occasion, because frankly, I think in the last 3 years or so, the American people have really been sold a bill of goods.

All of us would like to see things easier, better and less expensive. We would like to think that life would be a lot easier than it is. But we have challenges that we deal with every day. It is not likely that the government is going to be able to make our lives easier for us. Yet, that is what has been sold, I think, to the American people. We haven't had the benefit of having a large segment of the media on our side in order to be able to counteract some of those things that were said.

I want to give a little detail, put a little meat on the bones of some of the things that you have been talking about in terms of what would this cap-and-tax plan do to us in the country? We have been told that everybody making less than $250,000 is not going to be taxed in this country and that 95 percent of the people are going to get a tax cut. But let's talk a little bit again about the particulars of this. It is actually $250,000 per couple. It is not $250,000 for an individual. It doesn't exempt small businesses who often are taxed at the individual rate. So there are some minor little details in there in what has been told about taxes and about the budget that has been presented.

To go to your point about what the increase in taxes are going to do to the American people, you are absolutely right. Every single family is going to be paying for these ideas that are being brought up under the guise of ''scientific knowledge.'' I don't know about you, but I haven't seen any conclusive proof presented that the science can support this. We know that President Obama himself said, ''under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' So we know that is going to happen. But no one has explained to the American people how that is going to happen.

There was a piece done by FOXNews just a few days ago, I think somewhere around March 4, where an energy analyst, Margot Thorning, said: ''In dollar cost terms, it is probably an additional $700 to $1,400 per family per year starting around 2012.'' That is right around the corner. So what the President says he is going to give is a tax cut. But that is going to amount to about $600 to $800, and at the same time, the families are going to be charged about $1,400 more in energy costs. So what the government is going to give, it is also going to take away.

I think, again, what you're doing is great. I have pointed out many times that the North Carolina State motto is ''to be, rather than to seem.'' I have brought that up several times on the floor because I think that is what the American people want out of us here in Congress.

□ 2030

The American people don't want us to seem rather than to be; and yet what is being done here in the name of science and in the name of protecting us from the climate change that they believe is occurring is going to be a pretty expensive trial as to whether or not this is going to work. And we don't know. It is an experiment, really. It is not proven science. We don't know that we are causing global warming with carbon. We have had global warming and global cooling even before human beings were on the Earth.

So I think it is a great thing that you are doing, to tie programs, budgets, proposals and policies to this issue of ethics because they are tied together and are very important. I want to commend you for doing that.

We have been joined by some of our very articulate colleagues here tonight, and I want to give them an opportunity to share their knowledge, their enthusiasm for this issue.

Mr. CARTER. Let me point out, I have a poster board here. Now some might think I have been picking on Chairman RANGEL too much, and I don't intend to do that, but this is to make my point. Chairman RANGEL is in charge of taxation. That is his job. He is the tax man of this House.

We have a little quote here from a real conservative news source we all love and adore, the New York Times, January 3, 2009, ''Rangel Pushed for a Donation; Insurer Pushed for a Tax Cut.'' It is written by David Kocieniewski. ''On April 21, 2008, Representative Charles B. Rangel met with officials of the American International Group, the now-troubled insurance giant, to ask for a donation to a school of public service that City College of New York was building in his honor,'' and I will point out named after him.

''Mr. Rangel had already helped secure a $5 million pledge for the project from a foundation controlled by Maurice R. Greenberg, one of the company's largest shareholders and its former chief executive. And CCNY officials, according to the school's own records, had high hopes for AIG—a donation of perhaps as much as $10 million.''

Some may have heard of AIG. It has been a little bit in the news lately.

Now my point is that is an accusation made by the New York Times, not by me, not by any Member of this House. That is an accusation made by the New York Times that should be resolved because it is about our number one tax man, and our number one tax man along with the President of the United States is going to be championing the Democrat budget of $3.6 trillion, a number that almost defies imagination.

We have gotten used to trillions in the last 60 days because we have seen lots of them. They are everywhere. This administration is throwing trillions around like tennis balls at Wimbledon and we are sitting here looking at a new little slight glitch of $3.6 trillion. I would think that the average American looking at this budget would like to know that the people that designed it and the people that put it together shoot straight, deal ethically with issues. And they would like to know that, but they have an accusation from the New York Times that says contrary to that.

So is there a place to resolve that? Yes, we have one. It is called the Ethics Committee. But there is no action out of the Ethics Committee. It just kind of sits there.

So I guess our famous Rangel rule which now is on everybody's tongue about special privileges for Mr. RANGEL, I guess we add this to the Rangel rule. I don't know what else to do with it. If you have accusations and the Ethics Committee doesn't act, then they

just go away. Trust me, everything is okay because the Ethics Committee hasn't acted. Well, I think they should.

I will start, beauty over the beast. I have both MICHELE BACHMANN and LYNN WESTMORELAND here, and so I will turn to MICHELE BACHMANN to talk about the budget and about trusting those who are going to be giving us these numbers and these ideas and shouldn't we have the ethical issues resolved as they lead this Congress down a $3.6 trillion path.

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Texas, Judge CARTER, for yielding on that point. You could not have set up this segment better to talk about ethics and talk about those who are writing our budget, that they need to live under the laws that they are creating. You quoted from the New York Times article that said there are high hopes for AIG.

The American people had very high hopes for AIG, the largest insurance company in the world. They should, after all, the American people own AIG now. We own 80 percent of AIG. The American people have been forced to invest $173 billion in this company. And they just found out that $165 million, perhaps as much as $450 million, has been paid out in bonuses to some of the executives at AIG. And the American people are outraged. They realize that is their money, and that money is going out on bonuses.

But then along came a story from CNN. And CNN said guess what, in President Obama's stimulus package earlier this year, we remember, that is the over-trillion-dollar bill that none of us were allowed to read because the Obama administration wouldn't release that bill until after midnight, and we started debate the next morning at 9 in the morning, contained in that stimulus bill is an interesting provision that was put in by the head of the Banking Committee on the Senate side, Senator CHRIS DODD.

Senator CHRIS DODD inserted a provision into the stimulus bill that said essentially this: it said that the bonuses that would be given out to any of these companies can stay with the people who get the bonuses unless they are given after February 11, 2009. In other words, these bonuses that AIG received are prohibited by the language in the stimulus bill from being recouped by the U.S. Government. We are prohibited. Our hands are tied. This is President Obama's stimulus bill and the chair, the Democrat chair of the Banking Committee, inserted an amendment that prevented the taxpayer from recouping any bonuses that would be paid out to the executives.

Now this is a curious thing because CNN also reported that the largest beneficiary of campaign donations in 2008 from AIG was Senator CHRIS DODD. So Senator CHRIS DODD, CNN said, was the largest recipient at over $103,000, managed to slip into President Obama's stimulus bill, which he didn't give any time for any Member of Congress to read, a provision that would have prevented the American people from recouping any of these bonuses.

Now I think that raises questions I would suggest along the line of the gentleman that you've been raising about the ethical requirements of the people who are serving the American people.

With that, I yield back to the Judge.

Mr. CARTER. I yield to the gentleman from Georgia, Mr. LYNN WESTMORELAND.

Mr. WESTMORELAND. I want to thank my friend from Texas for yielding.

Judge, I think what we have to look at is connecting the dots. We see in a lot of these children's puzzle books and stuff, you connect the dots to see the big picture. I think if we could see the picture of all of these dots connected, it would be hypocrisy that has come down from the Democratic leadership and we could go back to even when they first became the majority in January of 2007, because prior to that they talked about they had a way of lowering gas prices. Judge, you will remember gas prices went to over $4 a gallon in some areas. They never told us how they were going to get that down. The only way that came down was what we did in August of that year, and really exposed the energy situation for what it was. And I think the speculators finally realized that we were serious about doing something for our own energy policy.

Then if you look at the problems that Mr. RANGEL has had. Just to list a few, the loan-subsidized apartments that he had, the fact that he was using letterhead to solicit some of these campaign contributions, the fact that he received the money from AIG and the other people who received some of this bailout, the fact that he didn't pay his taxes, if you look at that, that is not anything in itself, but if you connect the dots with all of the other things that are going on, I think that shows a picture that they did what it took to get elected.

We can look at that with what President Obama's campaign promise was, that he would drive the lobbyists out of the White House. And now he is writing waivers. It seems like every time he does an appointment, he has to write a waiver because they are a lobbyist. We have Mr. Geithner who was approved by the Senate as the Treasury Secretary who has similar tax problems. So you connect all of the dots, and what seems to be happening is we see a chain of events that may seem separate, but they are really kind of all tied together.

And then if you look at what President Obama's chief of staff Rahm Emanuel said, and I can't remember the exact words, but he said never let a crisis pass without taking advantage of it.

And so if you look at this financial crisis and what has happened and what has taken place, look at how they are taking advantage of it with this $3.6 trillion budget that they are proposing, with a cap-and-trade, which is another tax that is going to be on the 95 percent that he promised would never have a tax.

If you look at the bonuses for AIG, well, the reason that they are getting the bonuses is because the government intervened into that business. If the government had not intervened and saved AIG, I don't know what kind of financial calamity would have been out there, but I promise you these guys wouldn't have gotten a bonus. So we enabled them to do that. So now what's the government going to do? Everybody is in an uproar over these bonuses being paid to these executives, as well they should. But now is the government going to say we have a crisis, we need to step in and intervene in contracts between employers and employees? And so this is another one of these crises, for the government to take one more step into our lives and into our businesses.

So this is a connect-the-dot picture that we have got to keep in mind. This is a lot bigger than what we ever anticipated or that the American people would think that they were getting.

Mr. Daschle was another one. Ron Kirk. We could go on. Ms. WATERS, and others.

Judge, has the Ethics Committee met, because if I remember correctly back in November, Speaker PELOSI said that she was going to have this Rangel problem resolved by the end of December of 2008. I guess she did that for the elections, but it is not resolved yet, and I have not even heard of them having a hearing.

Mr. CARTER. I haven't heard a peep out of them. Just recently, we have another story that has come out from the Congressional Quarterly, ''Waters Calls TARP Meeting for her Husband's Bank.'' This is by Bennett Roth, part of CQ staff.

''Watchdog groups claimed Waters took inappropriate actions on behalf of OneUnited Bank which received financial assistance from the Federal Government last fall. Waters, a senior member of the Financial Services Committee which oversees banking issues, last year requested a meeting between Treasury Department officials and representatives of minority-owned banks, including OneUnited on whose board her husband, Sydney Williams, had previously served. He also held stock in the bank.''

That's not our accusation, that's an accusation by a publication that is read regularly in the halls of Congress and informs us of what is going on. That is an issue that should be addressed by the body that is required to address it, the Ethics Committee.

□ 2045

Is that unethical behavior? Possibly not. Possibly it is. But she is the chairman of the Subcommittee on Housing

and Community Opportunity, which means that whatever housing there may be in the Obama bill, this $3.6 trillion Obama bill—and Lord, for that much money there ought to be a couple of houses in there anyway—then if that is the case, she would be the spokesman for the housing attitudes of the U.S. Government of the majority party, the Democratic Party—who run this place, by the way. If nobody gets it yet, the majority rules in the House of Representatives. So when you have 38 more votes than the other guys, you win, they lose. That's the way it works. If you've got one more vote and everybody stays with you, you win, they lose.

So they own all of this. This Bush bashing that we hear around here, wake up. The man is hanging out in Crawford chasing cattle; he's not doing this job anymore. This is your job, the Democratic Party's job. They are doing this job here, with the leadership of Barack Obama, their President. He, with their help, proposed $3.6 trillion.

And when it comes to housing, we must rely upon MAXINE WATERS, the leader of that subcommittee. That issue ought to be resolved. I think that's important.

This is the whole point of this whole thing. You know, this banking thing, we are all worried to death about this banking thing. And I don't think any Member of Congress—or for that matter, any American—isn't concerned about this tightening, choking down of credit that has taken place in the United States. And therefore, the entrepreneurial spirit of America is being choked down because of stupid mistakes that were made by the government. And let's maybe talk about those for just a little bit. And I will first yield to MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman for yielding. And I am wondering when it will be that Congress will finally have hearings on itself and on the culpability of Members of Congress for this housing meltdown.

We look at individuals who were involved in shielding Freddie and Fannie for years from any sort of tightening, any sort of regulatory burden, any sort of accountability, any sort of transparency—for years. We look at comments that were made even by the current head of the Financial Services Committee. I sit on the Financial Services Committee. And the chairman of our committee, BARNEY FRANK, had made statements when he was confronted by former Treasury Secretary John Snow that Freddie and Fannie were in deep trouble. And he also foretold of a housing collapse that he was portending on into the future for the United States. And the comments from Representative FRANK were, don't worry, everything's fine; there's no problem with Freddie and Fannie. People knew we were looking at a meltdown.

When are we going to have those hearings? When are we going to hear from Members of Congress, their culpability in bringing about this housing meltdown, about the Members of Congress who loosened and relaxed the platinum level standards of lending in our country? We had platinum levels of standards of lending for over 200 years in our country. Those lending standards were so reduced, that created our subprime mortgage mess. It even created a problem in prime mortgages because the lending standards were so reduced. That just didn't happen in the free market, because private businesses, they want to limit their risks. It was the Federal Government that forced these private businesses to maximize risk. With what? The promises that good old Uncle Sam, the chump called Joe taxpayer would bail these businesses out—AIG, Freddie, Fannie—if anything went wrong. We need to have a hearing where Members of Congress are called on the carpet for their involvement in leading to this housing collapse.

I yield back.

Mr. CARTER. And just another little news story here that broke. This is a former colleague of ours. He is now maybe in one of the most powerful positions in the United States, he is the Chief of Staff of the White House, Rahm Emanuel. This is from ABC News, a very conservative source. ''Emanuel was Director of Freddie Mac during the scandal. $25,000 Freddie to Emanuel equals $200 billion taxpayers to Freddie,'' written by Brian Ross and Rhonda Schwartz.

''President-elect Barack Obama's newly appointed Chief of Staff, Rahm Emanuel, served on the board of directors of the Federal mortgage firm, Freddie Mac, at a time when scandal was brewing at the troubled agency, and the board failed to spot red flags, according to government reports reviewed by abc.com. The actions by Freddie Mac are cited by some economists as the beginning of the country's economic meltdown.''

''The Federal Government this year was forced to take over Freddie Mac and his sister Federal mortgage agency, Fannie Mae, pledging at least $200 billion in public funds.'' And that is not my news story, that is ABC's news story.

And of course our Ethics Committee, bless their hearts, I don't think they have to deal with Mr. Rahm Emanuel. I think maybe the White House has to deal with the issues of Mr. Rahm Emanuel, and maybe they should. But it is the White House budget that we're talking about, and he is the chief policy officer of the White House. So I would assume that Mr. Rahm Emanuel's fingerprints are all over this budget. And I would expect Mr. Rahm Emanuel to be a spokesman for this budget. And we all can watch, in breathless anticipation, and see if I'm telling the truth. But let's watch and see. But those sort of things ought to be cleared up with the American people because at least one news source is saying this was the start of the crisis we're in, and he was right in the middle of it. So those are the kinds of things we have to look at.

Mr. SCALISE has joined us. I will yield such time as you would like to have to comment on what we're talking about here today.

Mr. SCALISE. Well, I want to thank my friend from Texas for hosting this and really helping unravel the mess, as Americans all across the country are very frustrated, they are angry about what's happening with our economy, they are angry when they read about what happened with AIG. And then I think they get cynical when they see some of the very people who helped create this mess going on all of these talk shows over the weekend, pointing their fingers everywhere else other than themselves and saying it was this administration or that administration.

You can find more than enough blame to go around, but if you really go back to the root—and I think you've started to touch on it—the problems that existed with Fannie Mae and Freddie Mac, going back to the Community Reinvestment Act, going back to the 1990s when a gentleman who represented part of my State from Louisiana, Richard Baker from Baton Rouge, who actually sat on the Financial Services Committee, he had the guts to go and take on Fannie and Freddie back in the 1990s, and he exposed all of this. And this is all out there on the Internet, it's information you can actually go and verify. You can look at those hearings—and many Americans already have. And for those who haven't, it would be a really good history lesson to go back and look at those hearings that he had as he was calling on the government to finally reform these institutions who were being encouraged—not by some bank on Wall Street, not by George W. Bush, this goes back to the Clinton administration—but it was people in Congress, some people who are right now chairmen of these very committees that have oversight, and he was fighting and saying we have got to reform Fannie and Freddie because this entire situation is going to melt down.

We've got institutions that are encouraging people, using the strength of the Federal Government, encouraging people to give out loans to people who don't have the ability to pay. And Members of Congress who are in leadership positions today were giving edicts to Fannie and Freddie saying go out and give those loans to people who don't have any ability to pay, when people all across our country—people in my district, your district—people who are playing by the rules today go out and want to get a home mortgage, they have to prove their ability to pay, they have to prove that they've got equity, they have to put up maybe 20 percent, they've got to fill out a bunch of forms. And ultimately they make their payments. Over 90 percent of the people in this country, even in these tough

economic times today, are making their payments on their mortgage. Yet, you have a small group of people—some who actually lied on their application, but some who were encouraged by the Federal Government to get loans that they didn't have the ability to pay by these institutions, Fannie and Freddie. And people like Richard Baker, back in the 1990s, were saying we've got to reform this corrupt system. And yet, some of the very people who are now yelling at the top of their lungs at the top of this Capitol saying, blame this guy and blame that guy, they were there defending Fannie and Freddie. And it's all out there on the Internet, you can actually go and see it.

And yet, when you look at what happened with AIG just 2 weeks ago—and of course, again, you've got the record to go and check it—President Obama's spokesperson was asked about the next $30 billion that the Federal Government released to AIG. And they said, what do you think about the money that AIG has already gotten so far, the $150 billion they had already gotten; they said, do you think that that money has been spent properly? And the White House actually said yes. They said, yes, we think AIG has done good things with the money.

Now, clearly AIG has not. AIG has been caught giving bonuses, hundreds of millions of dollars—up to $6.5 million for some executives—in bonuses with taxpayer money. And some of those very same people are yelling and screaming at the top of their lungs. And we are all outraged, but Americans that are outraged are looking at this and they are getting very cynical because they are saying, wait a minute, we can actually go back and unravel this, we can look and see some of these same people. And those of us who voted against the financial bailout last year because we knew this was the wrong approach, we knew giving taxpayer money to help these financial groups on Wall Street who made irresponsible decisions, we knew that was bad public policy, but yet some of those very same people who voted to give the money are now yelling about how the money is being spent, even though they allowed the money to be spent that way. It was a wrong approach then. We should have never done it. We're seeing how flawed that system is now. But I think people across the country, they do get it. They are seeing what's happening out there and they are realizing that some of these very same people that are yelling at the top of their lungs and expressing outrage were the ones who actually voted to give that taxpayer money away.

Mr. CARTER. Reclaiming my time, you mentioned Wall Street. And Wall Street has taken a big hickey here lately. And you know who really took the hickey was the American people. And one of the things that I think everybody dreads doing almost as much as taking out the garbage is looking at their 401(k) or their pension plan after this last 60 days of the Obama administration and this trillion dollar leadership of this Democrat-led House of Representatives.

Mr. WESTMORELAND. Can I interrupt the gentleman? It's not the last 60 days, this is his first 60 days.

Mr. CARTER. First 60 days, yes. Thank you for correcting me.

And then, lo and behold, under the President's budget, taxes on capital gains and dividends would increase from 15 to 20 percent, increasing their taxes on investments by $398 billion over 10 years. So if the poor old guy whose 401(k) is almost used to wrap the garbage in, if he starts to have any kind of rally on the stock market at any time in the foreseeable future—at least the next 10 years—this budget we are being asked to pass, this $3.6 trillion budget, is going to raise the taxes on his poor little old beat-up 401(k), or on your pension plans. This is a direct tax on American families.

And believe me, contrary to popular belief by the other side of the aisle, there are a lot of people in this country who make a whole lot less than $250,000 a year who own stock in corporations in America because they believe in the free enterprise system. They have invested in a way they feel is adequate to be good for their families, and they will be hit by this capital gains tax.

I will yield to Mr. WESTMORELAND.

Mr. WESTMORELAND. I thank my friend from Texas.

You were talking about Wall Street, the large banks that got the bulk of this TARP money. Our local community banks and some of the smaller banks did not get this. And the whole reason that this Congress—and I didn't vote for it, but I think a reason that the people that did were sold a bill of goods by then Secretary Paulson that this was going to unfreeze the credit market, but it has not done that.

And what has happened to the FDIC—and I'm not sure if the gentleman has heard this yet, but I had some of my local bankers call me, going from $100,000 to $250,000, their premiums are going up. That is the way the FDIC is funded is through premiums on this deposit guarantee. And so they are going up on the premium. And so now they are not only having to pay a high premium on $100,000, but the high premium on $250,000. But here's the kicker; they are going to be charged a one-time fee from the FDIC on their deposits—I think it is, or their assets.

To my friend from Texas, I was told today by somebody in our Georgia banking community that if you took all the profits of all the banks in Georgia and added it together, the fees that these banks were going to be charged would be more than the money that they made all last year. Now, that is a double whammy on the small community banks that have been basically responsible for funding our small businesses in our communities that have not had access to this TARP money.

□ 2100

So what has happened is the big banks and the FDIC and the others who have let this situation get way out of hand are here again sticking their money down and getting the investors and the shareholders from these local banks their money. And these banks are owned by local people.

I know we're getting short on time, but I want to thank you for doing this. And I think we need to remember that we need to continue not only with some of these ethics that you brought up, but we need to connect all these dots and get the clear picture of where this new administration and this larger majority is trying to take this country.

Mr. CARTER. Well, I agree.

Reclaiming my time, I thank Mr. WESTMORELAND for pointing that out. And, actually, I have talked to my community banks too, and they are very concerned about the massive increase in their assessment by FDIC and the fact they're going to have to pay a premium. But also what's really sad is they're the guys who made good loans. See, what people don't realize is that these community banks can hold their heads up high. They're not asking for TARP money because they didn't make bad loans. They stuck to the banking principles that their boards of directors made, and they stayed away from the pressure, with some exceptions, but in the vast majority of the cases across this country, the community bank system made sound, good business decisions. And now, unfortunately, because of the way it works, they are going to have to pay the penalty for those people who went off and made bad loans.

Now, we understand and I think our bankers will tell you they understand that's how the FDIC works and it's a program that they rely upon. But it still is part of that old ''taint fair'' system that you and I have been talking about for the last couple of days.

I want to bring up just one more thing that's in this budget that I think is going to be a real issue for some awfully important people in this country. This budget that they've got out here caps the value of itemized deductions at 28 percent for those who have income over $250,000 married or $200,000 single, which will reduce charitable giving in this country by $9 billion. You know, I don't know why in the world you would want to hit the charities, the Cancer Society, the Heart Fund, the First Methodist Church, or the Third Baptist Church, why you would want to hit those people's pocketbooks to fund $3.6 trillion, but to me, that's questionable. We ought to be questioning that, and we ought to be saying why in the world do we have to basically put a burden on charities? And then tomorrow, tomorrow, we're supposed to vote on a bill to pay volunteers with taxpayer dollars. So we're going to pay volunteers with taxpayer dollars rather than encourage private sector donors to take care of community problems that they all work hard

to take care of. This is nuts. This is European socialism at its best.

Americans have hearts of gold. One of the things that the American people liked that Ronald Reagan said about them was he reminded them that deep down inside every American there burned that flame of liberty and freedom that made them good people who were all heroes because they got up in the morning and they went to work and they took care of their families. And yet it seems that whoever put together this budget doesn't view America that way. They view it differently.

Finally, something that I have been appalled with forever is taxing death. A guy works all of his life. He pays his taxes. He takes care of his bills. He works double shifts and works hard. He acquires some property, and that property gains value, whatever the property may be. And he's happy because he's been an honest taxpaying citizen. And then he dies, and lo and behold the United States Government wants to come in and tax him on his death.

Now, I have a good friend, and I'm not going to use his name because I don't have his permission to use it, but he is from Clayton, New Mexico, and he'll know who he is, who had a beautiful ranching operation in Clayton, New Mexico, when I knew him at Texas Tech University and he was a buddy of mine. And he had two really nice ranches in that area, the home place and another ranch. I ran into him in Rocksprings, Texas, a while back, and I asked him how he was doing, and he said, ''Well, I'm living in Texas now. I'm ranching in Texas.''

I said, ''What happened to Clayton, New Mexico?''

He said, ''The taxman took it.'' He said, ''When my dad died, I had to sell land, and the only land I could sell was the home place, which was the best place; so that only left me with our worst little ranch. I traded that for a small place down here in Texas, and I'm down here scratching out a living on about a third of what my daddy worked and fought for and my great-grandaddy and my grandaddy died for in fighting to tame that part of New Mexico.''

I don't know. I find that's pretty offensive to me. Why does the United States Government deserve to put the fourth generation of that family out of the ranching business so they can tax a guy that has already paid his taxes? But that's headed our way in this new $3.6 trillion budget.

I'm not going to tonight go into the rest of the examples that I have here. We'll go into those another time. But I hope I've made it clear that my purpose to get up and talk about these ethical problems is not to make the kind of accusations that were made two Congresses ago against the Republican Party about ''culture of corruption'' because I don't think that's appropriate. I am only pointing out there are issues that have been raised by the watchdogs of this Congress, the press, that should be resolved.

Mr. Speaker, I appreciate your patience and thank you for this evening.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I came to the floor this evening to talk about a topic that's very much on the minds of my constituents and many Americans, and that's health care reform. I think that many of us know that President Obama has paid a lot of attention to this. It was a major focus during the campaign. And since he's become President, he's already addressed health care reform in some significant ways, both in the SCHIP, or Children's Health Care expansion legislation, that was passed in the House and the Senate and signed by the President about a month ago, as well as in the economic recovery package, which has several initiatives related to health care reform. I would like to talk a little bit about those tonight, but I'd also like to talk about where we go from here.

The President had a health care summit about 2 weeks ago where he talked about health care reform and outlined what might be done in this Congress. He said he wanted to get the health care reform bill passed and on his desk this year if at all possible. And he's also in his budget outlined some ways of paying for it through cost efficiencies and other means. So this is an issue that's very much on the mind of the President and certainly on the mind of this Congress, and, also, we have begun to move in the committees of jurisdiction. I happen to chair the Health Subcommittee of the Committee on Energy and Commerce. We have already had 2 weeks of hearings on health care reform, and we are going to continue doing this for the next few weeks and then begin the process of drafting legislation.

Now, I wanted to stress that this is an economic issue because some, not many, but some have said, well, the economy is in bad shape, Congress is so focused on trying to revive the economy, whether it involves the banks or it involves unemployment or involves the economic recovery package in an effort to try to stimulate the economy. Why are we talking about health care reform right now? Can't we delay? And the President and those who attended the health summit that President Obama held a couple of weeks ago, both Democrats and Republicans alike, as well as the business community and the health care providers, the doctors, the hospitals, but, interestingly enough, even some of the people who have opposed significant health care reform in the past were all united in saying that this is the time to do it, that we shouldn't wait. And the reason they say that it's important to do it now even with the recession is because increasingly the health care system gobbles up, if you will, a larger and larger part of our gross national product. It goes up maybe 1 or 2 percent every so many years in terms of the amount of our gross national product that is dedicated to health care. And as those costs escalate, and they escalate exponentially sometimes, the health care inflation, if you will, increasingly makes the system unsustainable and, as a result, has a direct impact on our economy and drags down the economy in many ways. So health care reform is an economic issue. It needs to be done now. And a big factor in the reform is how can we slow the growth, keep down the inflation, take some of the savings that would be generated from cost efficiencies and use it to provide health insurance for everyone? Because the goal, obviously, is to provide health insurance for every American.

Now, in the context of this, the other important aspect that I think came out of the President's health care summit and that he continues to stress is the fact that we want to make these changes in the context of the existing system. We're not looking for radical changes in the way that we deliver health care or the way that people are covered by health insurance. We're not looking towards, for example, the Canadian model or the Western European models where they have a single payer system or perhaps where the government even runs a significant part of the system. What we want to do is build on what we have, and that really encompasses three areas, three general areas.

One is the existing public health programs like Medicare, Medicaid, SCHIP for children, and there are many others like the Indian health care system or the system for the military. We want to make those betterment. We want to make those more efficient. We want to make sure that they have adequate coverage and that they don't result in too much money having been spent out of pocket by the average American. So that's the first part of this reform. What can be done to improve those existing government programs like Medicare?

The second aspect of this is what can we do to improve employer-sponsored health insurance? Most Americans still get their health insurance through their employer. The number has actually decreased significantly in the last 10 or 20 years as a percentage of Americans who get their health insurance through their employer, but it's still pretty big. It's still certainly a majority of the people who do receive health insurance through their employer. Well, the second part of our health care reform is to make sure that that system is shored up, in other words, so that employers continue to provide coverage for their employees, perhaps even get more employers to do that by giving them some kind of a tax break or a subsidy or looking at other ways of encouraging them to cover their employees.

And then the third aspect of this reform, if you lack at it in sort of a general overview, is to deal with those people that can't get insurance either through an existing government program like Medicare because they're not old enough or they're not kids or they are not poor enough for Medicaid; they can't get insurance through their employer because the employer doesn't provide it at all or because it's too prohibitive in terms of how much they have to contribute; so they try to get health insurance through the individual market, just going out on their own and finding an insurance plan individually through an insurance policy that might cover them, but when they do that, the cost is so overwhelming, they simply can't afford it. So for those individuals, what we have talked about, and, again, this is in discussion and we'd like to get bipartisan support; so I'm just talking about it in general terms, is that we have the government basically work with private health insurance companies to either negotiate a group policy in terms of lower premiums and having a standard policy that provides good coverage and then the government gives those options to individuals who haven't been able to get health insurance through the individual market.

□ 2115

So they now become part of a larger group plan that has some government regulation to bring costs down and significantly brings cost down, because now you are part of a group policy rather than going out in the individual marketplace.

We do that now with Federal employees. Some States, like Massachusetts, have actually implemented this type of system, they call it a health marketplace because you can basically go to the State and buy your insurance through the State government through these private insurance companies.

That's the broad outline of the kind of reform that we are looking at, but there are so many other aspects of it, many of which I would like to discuss further tonight, but I see that I am joined by the gentleman from Arkansas (Mr. SNYDER) who also happens to be a physician.

And if I could say, I didn't tell him I was going to say this, but I will say it that an important part of this health care reform is how to address the concerns of providers, health care professionals. Whether they are physicians, whether they are nurses, whether they are home health care aids, one of the biggest concerns we have right now is that we face a crisis with health care professionals.

For example, with doctors, we are having a hard time getting doctors to go into primary care. A lot of times my constituents will complain that even if they have good health insurance they can't find a primary care doctor, they even go to an emergency room sometimes because they can't find one. We know we have a nursing shortage.

So an important part of this, as the gentleman knows, is health care professionals. I don't know if that's what you want to discuss, but I couldn't help it, because I know that you are a physician.

I yield to the gentleman from Arkansas.

Mr. SNYDER. Thank you, Mr. PALLONE. Here we are in Washington DC, the Nation's Capital and there is a good number of people tonight celebrating St. Patrick's Day. And for us, for you and I, it has come down to wearing green ties on the floor of the House tonight talking about health care.

But I was in my office, and I heard you talking, and I appreciate all the work you have done through so many years now talking about this issue.

I just want to share two or three stories, if I might, and they are somewhat personal stories. As you know, 3 months ago my wife had three babies, three baby boys, Wyatt, Sullivan and Aubrey, in addition to our 2-year-old boy, Penn Snyder.

Then shortly after the delivery, about a week later, my wife ended up in the coronary care unit and had an extended hospitalization of about 11 days. So I remember going back home one day, running back from the hospital and talking to one of my neighbors. She said, ''How is everything going?'' And I said, ''Well, two-thirds of our family of six is in the intensive care unit,'' because I had three babies in the neonatal care unit and my wife in the coronary care unit. I thought, okay, that's quite a burden for a family.

But my wife has insurance, she is a Methodist minister, she has good insurance through where she has worked. You and I are Federal employees, and we have insurance. We pay for our insurance like all Federal employees do. We have good insurance.

And one of the things I did not worry about during that period was who was going to pay the horrendous cost of the incredibly good care that we can get in this country. So all evening my wife has been sending me pictures of our four boys out on the lawn wearing green outfits with shamrocks on them, I guess just to brag about how nice the weather is in Arkansas this evening. But it brought home, here we are 3 months out and everybody is doing great and she is doing well.

Last week, I met with a young women that I think if anyone in Congress would meet with, we would say she is just a gifted young woman, a medical student in her mid-20s, in her final year of medical school making decisions about where she is going to do her residency. We got to talking about some of the issues of medical students like they have got too much debt.

We are expecting them to pay for all this in medical school on their own. They are ending up with tremendous six-figure debt coming out of medical school. They don't get paid a lot as residents.

But in the course of the discussion it came out that while she was a medical student she was diagnosed with insulin-dependent diabetes and, of course, she is in a medical school. She knows where good resources are. She is at the best resource in Arkansas, except the health insurance that she has, by being a student, doesn't cover the cost of an insulin pump.

So she doesn't have it, and five shots a day doesn't give her the kind of control that we know helps prevent long-term problems. So here is this wonderful young woman, gifted young woman. She is our future, she is going to be taking care of you and I. And yet we, as a country, are not taking good care of her, even though she is in one of the medical centers of the world.

So I contrasted what happened with my family and me, and we do have health insurance, with what happens with a person who has health insurance, but it's just not the kind of coverage that they need. So I applaud you tonight for talking about this topic. I hope that we will make the kind of progress that you have been yearning for probably a couple of decades.

In the olden days, I was a family doctor before coming to this job here, and I always remind myself, people always come to me and say, oh, you are a doctor, you understand all this about health policy. I said, no, I used to do sprained ankles, nosebleeds and urinary tract infections. Health policy is that kind of mysterious nebulous world that many, many people don't understand. We are health care providers, we are patients, we are family, we are business people who try to go provide for our employees.

But we have this opportunity right now for all of us, whether we are providers or patients or business people or legislators or business people, to get up to speed on these topics. Because I think there is a real opportunity, with the mood of the country, with the international challenges we face from our economic competitors, that don't have the same kind of health care plan that we do and with the commitment of President Obama and his administration to do something.

I also think this really needs to be worked through with all components of our country. We talk about being across the aisle. Across the aisle is fine, but we need the business community and the providers and the hospitals and the insurance companies and patients and providers and all the advocacy groups and the research advocates to come together as best we can.

This is not going to be a 435–0 vote on whatever we do, but as best we can to listen to each other and move ahead. I think you gave an excellent outline on the kinds of issues that we need to be talking about.

But I believe that it is a very doable challenge that we have. I commend you for talking about this this evening.

Mr. PALLONE. I appreciate you coming down and talking about this, but

you made very good points that I just wanted to follow up on briefly.

First of all, I always stress that this is an economic issue, and that's why it's important to do it now. And it does relate to our recovery, if you will, from the recession, and coming back with a strengthened economy.

You mentioned that, because you said that, you know, it has to do with our ability to compete with other countries. You know, you remember at one time, I don't know if it was a year or two ago when some of auto companies—they were in better shape then than they are now—but all three, Ford, GM and Chrysler came down here a couple of years ago and said that we need health care reform, because the bottom line is it's hard for us to compete with foreign car manufacturers when we have most of the burden, or all of the burden, of health care costs on us, whereas that's not true if a car is made in Canada or if it's made in France or Italy or some other country where the government, you know, takes on the full responsibility—not that we are suggesting that here—but takes on the full responsibilities of those costs. I remember something like $2,000 of every car that was produced in the country was reflected somehow in paying health care costs. So it is an economic issue.

The other thing that you pointed out is that even if you have health insurance, even if you have good health insurance, you are a big part of this debate. As the cost of health insurance continues to escalate, and health care costs in general continue to escalate way above inflation for everything else, it just becomes unaffordable ultimately for almost everyone. What they end up having is if they have a policy, there is a cutback in what's covered, or they have a higher copay, or the premium goes up, so that overall they are impacted.

I could just use a couple of stories, if I could, because I tend to be a little wonky sometimes and not tell the stories, but I will give you two stories. One is one of my employees who works for me back in New Jersey in my congressional office. He is part of the Federal employee program just like you and I.

He, on two occasions, could not find a primary doctor, a primary care physician, and ended up going to the emergency room for matters that were not of emergency room nature like a strep throat or something like that, which could have been handled by a visit to just a general practitioner.

Well, if someone who essentially has, you know, Blue Cross Blue Shield, Cadillac plan in this case, can't see a general practitioner, who can? I mean, you wonder.

Then the other example, I remember going a couple of years ago to a union organizing effort—well, actually, it wasn't a union organizing effort, the employees were members of the union, the service employees, I think, at a nursing home in my district. But they didn't have any health care coverage. In other words, the employer didn't provide that option, or, if he did, it was so prohibitive they couldn't afford it on their salary. So that was the irony here of people who spend their day and their job taking care of the health care needs of other people, but don't get health insurance themselves.

Now, I wasn't there, you know, to condemn the employer. I mean, I do think that he should have provided coverage. But, you know, the problem is for a lot of the employers now, it's just becoming so prohibitive. So there are so many stories like this, and I appreciate you bringing them up.

Mr. SNYDER. I have seen that myself as a family practice doctor. I never owned a clinic, I worked at other people's clinics and met some wonderful people. But health care providers are business people too. They have got to pay their employees. Some health care programs don't reimburse as well as they would like.

Some clinics are in places that they may end up giving free care or have a group of patients that are not able to pay so well, and so it's like any business. It can be a strain to find the money for health care. It's one of the challenges we have to have.

You mentioned the economic issue, the one of our ability to compete internationally. I think that's an important one.

I want to also mention the national security issue, and I don't think this one has gotten as much attention as it probably deserves. We have had a lot of discussions about, you know, mental health coverage for our young men and women that come back that we think needed their families. The reality is we are expecting the military health care plan, or military health care programs and the VA health care programs to solve a national problem, which is we do not have a good network of mental health care in any of our States, particularly rural areas. But it's just difficult to find the kinds of providers you want for that kind of care.

I want to go before they go over. We had an issue, when we first started mobilizing our troops to go to Iraq and Afghanistan. When we were mobilizing our reserve component forces, about one-third of our troops were on some kind of a medical hold.

Now, a lot of it was for dental, a lot of it could be taken care of reasonably quickly. But the reality was, we had a situation. These are men and women who have been going on their weekends once a month for their training.

They go every 2 weeks in the summer and yet they are showing up on mobilization orders. We are finding out that they were not, under military standards, medically fit to be mobilized. I think for a lot of us that were on the Armed Services Committee, that was a bit of a wake-up call too.

Because one of the issues for dental, although I was in medical and not dental school, I actually think my teeth are part of the body and should not be divorced from the whole system, because we know it has tremendous ramifications on the overall health. Dental health is part of this overall picture.

And here we have a situation where you make a pretty good argument, our national security efforts were slowed down and more inefficient because of the kind of health care plans that we have.

Now, having good health insurance doesn't necessarily get everybody to the dentist, but I guarantee you, if you don't have good health insurance or dental insurance you are much more likely not to get preventive care. So that's an issue too.

Mr. PALLONE. Well, you raised, again, two very good issues that I would like to briefly comment on.

When I was talking before about the first part of this, which is to upgrade or make more efficient existing government programs like Medicare, SCHIP, Medicaid, you made me think of two aspects of that. One of them was with SCHIP, when we passed that bill that the President signed just a few weeks ago.

Not only did it upgrade, if you will, the children's health initiative by expanding the coverage to maybe another 4 or 5 million kids that were eligible under the SCHIP program, but we just didn't have the money with the States to pay for them.

But it also provided guaranteed dental coverage for the first time. In other words, before that bill was passed under the old SCHIP program, States had the option of covering dental care, but it wasn't required. Now it is.

And that is very important, because I remember going around to a lot of community health centers that just did not have dental coverage. And they would tell me that the biggest problem they had was providing dental coverage and getting dentists and how it affected kids.

We had the one instance with a young person in Maryland that actually died because his teeth weren't properly treated.

□ 2130

Mr. SNYDER. I took my little boy to the State Fair in Arkansas this year. Me and my littles boys. Anyway, we're walking down the Midway and a couple were coming the other way in the crowd there, and he was a paraplegic in a wheelchair. And he stopped me. A very polite young man. And he obviously had had some significant health issues that he was dealing with—had been dealing with.

But he said, Man, is there anything you can do to help me with this. And he had an obvious need for dental work. But here's a man you would think would be in the system somehow—our system. But it just pointed out once again the inadequacy of the coverage in the country that can do the best job of solving his problem if we get him to the right person.

I want to bring up another issue, and I think it's one that you have had an interest in, too, and it's the issue of medical education. I think it's one that we will need to pay attention to as we go through the very important democratic process of looking at changing our health care system.

We need to be sure that we recognize at our hospitals that are involved in medical education that it is more inefficient and more expensive to teach while you're doing something. It is much quicker for a doctor, an experienced doctor, to come in and see the patient and get on to the next patient.

We have to recognize that there are additional costs for our teaching institutions. We make allowances for that through some of our government health care programs, probably not as well as we could or should, but it's certainly something that we need to watch to be sure that our teaching institutions, whether it's for nursing or doctors, that we recognize that there is an extra expense and inefficiency for them to provide the kind of quality teaching that takes additional time to sit down, not with the patient, but with the student.

Mr. PALLONE. You're absolutely right. I'm not suggesting that under the rubric of this reform this year that we are going to be able to address all these problems. But it always drives me crazy that more and more, and I don't know what the percentage is, but more and more of our health care professionals are trained overseas, either Americans that go overseas to medical school, or people that we bring here as immigrants, either nurses or doctors, because we are not graduating enough doctors or nurses here in the United States. I don't think that that trend can continue forever.

I give you an example. In my State of New Jersey, we have a University of Medicine in Dentistry that basically has three divisions: Newark, New Brunswick, and down in south Jersey in Stratford. I think total they graduate—I may be off a little—maybe 700, 800 physicians every year in the State of New Jersey. We have what, 8 million people, and we are graduating in our university system only 700 or 800 physicians per year?

Now, sure, a lot of New Jersey physicians go elsewhere for their education. But how can you justify that with a population of 8 million people? I just find more and more that we are relying on doctors and nurses that are trained overseas, and maybe it's a way for us to cut costs because we don't have to pay for their education or training, and the other countries do it.

Somehow it seems to me that that has got to be reversed. And maybe it's going to cost more money, but it just doesn't make sense to me.

Mr. SNYDER. It's particularly a poignant issue for you and me, Mr. PALLONE, as we get older, because a lot of our doctors are going to be retiring and we are expecting these generations coming to take care of this big swell of the aging population as the Baby Boomers retire. So it's really important.

We are not going to get to where we want to go though in this process of doing health care reform and trying to find ways to save money, which we all want to do, if we don't recognize the cost of medical education.

Mr. PALLONE. The other thing that I really want to stress, and I haven't tonight, and you did touch upon it also, is new ways of doing things. I mean one of the things that President Obama did in this economic recovery package is that he actually put in pots of money that would be used to try to change the way we do things with health care.

So there's a pot of money for prevention programs, there's a pot of money for wellness programs. There are going to be pilot programs through grants for what we call comparative effectiveness, where you would actually look at certain operations or certain procedures or the use of certain drugs to determine whether they are even effective from an economic point of view. It may cost you more, but are you really getting anything for your money.

In addition to that, there's a major initiative—I think it's $20 billion—for health information technology to upgrade doctors' and hospital offices so that records and other things are done electronically.

It's not just a question of covering everyone or reducing costs, but it's a question of doing things differently, because if a person can go to a general practitioner on a regular basis and get a checkup, then it's a preventive measure that prevents them being hospitalized and costing more money to the government or to the system later.

I mean these really haven't been played out much in this economic recovery package. Most of the talk has been about infrastructure and transportation and all that. There are major changes envisioned in the way we look at health care that the President has taken the leadership on, and the Congress, too, since we passed this bill.

Mr. SNYDER. I think this issue of the health information technology is really important. I notice that since the bill passed and the bill has been increasingly studied by people in the press and policymakers, that the health IT part, the health information technology piece of that bill, is starting to get a lot more attention.

There's been articles in the papers in the last couple of days. Wal-Mart is starting to look at doing some things.

The challenge—I mean, I'm somebody who most of my career was working for doctors who had small practices. And so there have been hospitals that have moved in this direction, large practices have moved in the direction of having a modern electronic medical record.

The problem has been that most doctors are in small offices of maybe one to five or six people. When the studies have been done about what does it take for that kind of an office to move to an electronic medical record, the kind that most patients will want, it takes several months from the time they start until it's where they want to be.

It takes several months to get back to that same level of efficiency as seeing patients; the installation, learning the new ways of doing things, just figuring out how to do things.

Now everyone recognizes, even the ones who don't have it, that ultimately it makes it more efficient, it's safer for their patient, safer for them because no doctors want to make mistakes, nurses don't want to make mistakes. There's nothing worse than having to have a clerk sit there and Xeroxing medical records off because you have got a patient that you have had for 40 years that's moving across the country. You can do it electronically and it just moves things.

I think the money that is in this bill is really going to motivate both physicians, physicians' offices, the folks that manage their practices, but also those kinds of business people out there who say, Wait a minute. Here's a chance to move America forward, to invest in our health care infrastructure and, by the way, create some new jobs, make some money for my business, and do some good things for the American people in anticipation of these changes that I hope will come in our health care system as part of President Obama's proposals. So I think that is very exciting.

I was talking to one of my Republican doctor friends who voted against the bill. I certainly understand his reasons for voting against the economic recovery bill. But I said, I want to know, what do you think about the health information technology piece? He said, Oh, I like that. He might quibble with little details of it.

But we have liked the bill before, as doctors. The problem has been for the last several years is finding the money to pay for it, and the opportunity came along through the stimulus package. And I think this is a real opportunity to be a good investment in the change that our health care system needs. So I find that very exciting.

I want to say a point about prevention. And I recognize that I am probably in the minority on this view. My own view is that we ought to not sell preventive measures, which I think are so important, but I think we ought to not sell them or oversell them as ways to save dramatic amounts of money.

My own view is that prevention is a quality of life issue. If I can work with a patient when they're 25 years old to get them to stop smoking, I know, I know their quality of life is going to be better. I know there are diseases they are not going to get when they quit smoking or if they never start smoking because of good health education programs when they're 16, 17, and 18.

Now, where I have a problem with this prevention-saves-money argument is if somebody lives to be 90, I know at

some point they are going to need health care. But, God bless them, that is a good problem to have. I would so much rather deal with the infirmities of a 90-year old than the emphysema and COPD and heart disease of a 45-year old who smoked for 25 years, since they were 20.

So I have a little different view on that. I think you can find arguments on both sides. But I don't think that we should ever be defensive about saying, You know, some preventive things cost money. But the quality of life, if you can keep a family from losing a family member from cancer, if you can cut down the number of kids that go to emergency rooms because their parents smoke, or whatever it is, it's a quality of life issue, and that can really turn into additional years of life and the pursuit of happiness for that family in this great country.

So I'm pleased that prevention is part of this.

Mr. PALLONE. I appreciate what you're saying. I think that in fact when we had the health care summit, in maybe a little different context President Obama actually said, Look, we do need additional money if we're going to have health care reform and provide people quality health care and cover everyone, because a lot of that is going to have to be upfront.

In other words, if you talk about new ways of doing things, whether it's health information technology or preventive care, whatever, a lot of times you do need money upfront to pay for some of it. But then in the long run you do actually save money.

So I agree with you that the better quality care is ultimately more important. But it can over the long-term save money.

I use the example with one of my community health centers where I went. An incredible part of the building was devoted to keeping the medical records. I can't say exactly whether it was a third of the building or 25 percent of the building.

But I looked at where they stored all these handwritten or typed records because they didn't have them on a computer, and I said, Gee, if we could just get—I don't know how much it will cost so I'll pick a number—$100,000 dollars to put all these records into the computer, you'd now have all this space available that you're not really utilizing right now.

So maybe upfront it's going to cost you $100,000, but in the long run you're saving money.

I think you can use the primary care doctors. I use the example of my staff person who goes to the emergency room because he can't get a primary care physician. Primary care physicians say we don't have enough of a reimbursement rate. If you gave us a higher reimbursement rate under Medicare, there would be more primary care physicians.

I don't know if that is necessarily true, but assuming it's true, it is going to cost you more money upfront. But, in the long run, if the person goes to the doctor when they have strep throat rather than going to the emergency room, do you save money. But it's oftentimes hard to actually put a dollar figure on how prevention saves you money.

Mr. SNYDER. This will be a true confession here tonight about a mistake that I made practicing medicine one time. It was about 15 years ago, I had a young boy, I think he was about 7 or 8, kind of a quiet boy, brought in by his grandmother. And he was there for a cold or something. I dealt with his cold or ear infection.

Then his grandmother started talking about some behavioral stuff he was having. We talked about it for a few minutes, and I didn't have much to offer.

It was like about 2 months later I was reading an article about Tourette's syndrome. And I thought, That's what that little boy had.

Well, the clinic I worked at had a wall about as big as the wall behind the Speaker here tonight that was all handwritten medical records. One of my nurses aids and I—we did it on Saturday because we were slow enough when we worked on Saturday, we could do this—we began systematically going through every one of those handwritten charts to see if we could find that little boy because I was going to call his family and say, Hey, I think I figured what you were talking about with this little boy. The reality is in Tourette's syndrome a lot of time they are underdiagnosed and, unfortunately for the family, it takes a while to sort it out sometimes.

We never did find that chart even though we systematically went through every handwritten chart. Well, if we had had a computer system we would have been able to pull up the names of appointments seen in the last period of time or probably could have pulled it up by approximate birth date.

There's so many tools that a good health information technology system gives you for the benefit of patients.

□ 2145

Efficiency of doctors, more prompt payment of doctors, less mistakes, but ultimately it is for the benefit of patients; and I think that is what you were talking about, looking ahead to doing things differently, doing things better. It is not just figuring out how to pay for the kind of care we are getting now, but it is better care in the future as part of this. And I think that is important.

Mr. PALLONE. I appreciate your input on all this. I know you said you haven't practiced for a while, but there is no question that having a physician who has had experience in a lot of this makes a difference in terms of relating what we have to do.

Mr. SNYDER. It is interesting, we have a good number of physicians in the House now.

Mr. PALLONE. It wasn't true when we first started, but it is now.

Mr. SNYDER. Physicians have figured out more and more, number one, that this Nation wants us to do something about health care. And I always tell my doctor friends, we can either do it with you, or we can do it to you. And most doctors have figured out they would like to have it done with them.

The other thing, though, is, and I have clearly seen this change in the time I have been in medicine, doctors have figured out that the programs that help people are the programs that help doctors. So they are here to help make those programs better. Now, we may have philosophical differences about how to get there and how to pay for it, but we recognize that there is a role for government in trying to make sure that whatever that number is, 47 million, 48 million people who don't have health insurance over a year's time actually are able to participate in this system that we call American health care.

I want to ask about another topic, Mr. PALLONE, medical research. We had a pretty good run there for a time under the leadership of Speaker Gingrich and President Clinton in terms of increasing the research dollars available for NIH. My own view of the last administration over the last 8 years has been very poor with regard to research, all kinds of research. There are, and I am talking now specifically about medical research, medical research funds in a variety of different budgets, from the military budget, veterans budget, NIH, agriculture budget, Department of Agriculture, they have research. Well, this is another place that is part of the kind of quality care we want for all of us. We need to be investing in that kind of research, because the reality is medical jobs are good jobs.

In fact, when you look at the numbers, as people have been losing jobs, the thing that stands out the most in terms of who is gaining right now is health care. It is kind of counter-cyclical. There are medical jobs out there that don't get filled that people will look at. Now, we need to do I think a better job of helping nursing home aides get paid and all. But there is a tremendous opportunity to create the kind of technology and new jobs and new treatments that this country can be selling all over the world, and we need to be the leaders in a lot of these things.

I think the whole issue of stem cells has gotten a lot of attention. Regardless of where you come down philosophically on the issue of stem-cell research, there is a ton of things out there that would benefit from more research dollars, and it has to be part of this picture, too. You mentioned the comparative effectiveness. That is probably too fancy a name. It kind of got bad-mouthed in some of the media when that bill came out. The reality is, why wouldn't we want to see what

works the best for the least amount of cost? We would do that as a family.

If I go in to my doctor and he said, here is my prescription, it is $180. And I say, well, is there anything better? Oh, yeah, there is a generic. It is like $14. Why don't I take the generic for $14? I mean, why not go for something that would work as well, perhaps even better, but be dramatically less expensive? I mean, we all are responsible as a country for these health care plans and making sure we pay for things. And somehow the idea that we would actually want to pay attention to what things cost and what works and what doesn't work, and are we prescribing things that we don't really need? I mean, that is just common sense, and I think families want that. They don't want us to prescribe things that are not effective or there could be something cheaper that would work just as well. So I think that is part of this picture.

Maybe I am making the universe bigger than it needs to as we are talking about health care and health care coverage, but it is all part of this investment in our future. And medical researchers will do better with a health information technology system. Those people who are responsible for paying the bills, who are processing claims will do better if that health IT system is more efficient. All this stuff builds on each other. Ultimately, we want to lead to better coverage for the best price that we can give.

Mr. PALLONE. You make such a good opinion. And, again, we are always talking about the budget. So much of the discussion here is about the spending in the economic recovery package or the spending in the budget. The fact of the matter is that the economic recovery package had a significant amount of money for medical research at NIH and at other institutions, and the President's budget also significantly increases funding for medical research. And I remember that, actually—and I am not trying to be that partisan tonight. But some of the Republicans did actually criticize the economic recovery package because it had that medical research money in it, because they said, well, how is that a stimulus?

The fact of the matter is, it is a tremendous stimulus; because when you give money to medical research, it is always matched either by the university or by private sources of funding, pharmaceuticals, whatever. And if you look at what it generates, it generates a lot more. For every one job that is generated through the public money, there are two or three or more that are generated through the private money, and it is actually a tremendous stimulus. So it makes sense to include it in an economic recovery package.

The fact of the matter is that in the beginning of President Bush's administration, he actually did increase funding significantly for NIH and medical research, but then gradually lessened and lessened it to the point where it was an actual cut. And I got particularly annoyed. I probably shouldn't even mention it, but I am going to, because I heard on one of the talk shows that they were picking out pieces of the research in the economic recovery package and criticizing it. Like, I think there was money for research on venereal disease and somebody was saying on one of the talk shows, why are we spending money on that? There is an epidemic in some of these venereal diseases and they have become resistant to a lot of the drugs and things that have been traditionally used. So why not spend money on research?

You can pick these things apart, but the bottom line is that if you have problems and you are trying to address the diseases, you have got to spend some money on research. And the few Federal dollars capture private and other money and actually do a lot towards not only finding a cure but creating jobs.

Mr. SNYDER. We also have learned in a very difficult way for a lot of American families the challenges of what happens to our men and women in uniform overseas with the traumatic brain injury and some of the kinds of injuries that have occurred. And what happens in every war is, sadly, we have opportunities to learn new things and get better at treating these. And there are some real opportunities of helping these families in terms of looking at traumatic brain injury and how we respond to them.

Looking over the long run, we are just a few years into this thing, what impact will this have on their lives 10 years and 20 years and 30 years and 40 years from now? And what opportunities will there be for them 10 and 20 and 30 and 40 years from now depending on what we do in terms of investing in research? And we have had these discussions before, both in the Armed Services Committee and the Veterans Services Committee. There are research projects out there that can be funded if we have adequate funding for them. And that is not part of civilian health care for them; that is part of our responsibility as a government to be sure that we adequately fund medical research. And a lot of it is going to be done in our civilian facilities, also, whether it is medical schools or veterans hospitals. The research needs to go on, and it needs to be well funded.

Mr. PALLONE. I wanted to mention one last thing, if I could, because I don't know how much time we have left.

But when you were talking about doctors, when we had the health care summit with the President a couple weeks ago, there were many things that struck me, but one thing that struck me was there were so many groups there represented demanding health care reform now that 15 years ago, whenever it was that President Clinton and Mrs. Clinton came up with their health care initiative, and of course it failed. But many of the groups that opposed the initiative then were present at the summit saying we have to do something. And I don't know that the doctors were in that category, but all the doctor groups were represented at the summit and they were all saying we have got to do this, we have got to do this now. The trade group from the health insurance companies, which opposed and actually ran the ads against the Clinton plan 15 years ago were there saying, we are here because we want to participate and we need health care reform. The small business representatives, the National Federation of Independent Businesses were there and said the same thing: We were against the Clinton reform 15 years ago. We are for what you are saying now, because we know that something has to be done.

Mr. SNYDER. If I might intervene for a minute. I think it is perfectly consistent for somebody to have been opposed to the plan in 1993 and be for something now. There is a broad spectrum of ideas out there. I am hoping that, and I think President Clinton would acknowledge, that we have learned from that experience 15 years ago, 16 years ago.

So I think that is a very important point you make, because we don't know what the ultimate product is going to be; but, hopefully, it is going to be something that will be shaped so you won't have somebody out there doing a huge media bite trying to kill a plan when the country is trying to come together to make something work. And I am not sure if everybody will be happy, but I am hoping that almost everybody can live with the ultimate result, because we all come from different perspectives.

Mr. PALLONE. I think the other difference is that we are trying to make this bipartisan. We are trying to have it come from the House and the Senate. In other words, we are not actually getting something from the Obama administration and saying, this is what we want you to do, this is what we want you to pay us. We will give you some principles, but we want this thrashed out in the House, in the Senate, with Democrats and with Republicans, going through the committees and all that.

And I did want to mention, because I am not sure if I did, that we are really determined to do this this year. I mean, the timetable essentially would be that sometime between now and the August recess that we would actually pass bills that would come to the floor of the House and come to the floor of the Senate, and then in September, October, in the fall we would try to work out the differences between the House and the Senate and send something to the President by the end of the year. I know it sounds ambitious, but I am optimistic.

I really think, when I talk to Members, we had a hearing today and our ranking member, the Republican, Mr.

BARTON from Texas, said: I want you to know that I want this done, and I am going to participate in this and the Republicans are going to participate in this. So the atmosphere is very good in terms of trying to work out something that can pass.

Mr. SNYDER. May I close out my contribution here this evening. I want to tell you another story. And I appreciate your talking about this evening.

I began by talking about my four little boys who are age 3 months, three of them are 3 months and one is 2 years old, and how much we benefited not only from the quality of health care we had but also from the quality insurance plans that my wife and I had.

Over the weekend, Senator BLANCHE LINCOLN had an event in Little Rock, and Vice President BIDEN was there and her family was there and there were a lot of people there. I was looking for her grandmother-in-law. Her grandmother-in-law, her husband's grandmother, is Mrs. Ruth Lincoln. Mrs. Ruth Lincoln is 111 years old. She is delightful. And I thought, well, surely she would be here. Well, she had fallen about a month ago and broke a bone I think in her pelvis. And I thought about that and felt badly about that, and then I thought later, well, of course I assumed she is going to bounce back from that, get healed up, and I am going to see her again. On her birthday she always does something special like cross the Arkansas River on a bridge. She always does a very special thing. And when you talk to her, she talks about how she loves growing old. She has loved growing old at age 111. And I think in a way that is what we aspire to through this health care reform. We want everyone to say, whether they are young with young children who benefit from our health care system, or people who go through the very frail years, that throughout they can say that I have loved growing old. Now, maybe we won't live to be 111, but if we all do this right, we will increase the chances of more people being able to have those kinds of long, long years.

I applaud you once again for spending this time this evening.

Mr. PALLONE. I think I am going to end with that, because I like that ending of our hour this evening.

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

HIDDEN TAXES

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. SCALISE) is recognized for 60 minutes.

□ 2200

Mr. SCALISE. Mr. Speaker, I appreciate the opportunity to address the House and talk about the economic crisis that our country is facing and also to go through and walk through some of the things that got us here, because as you talk to Americans all around the country, they are frustrated. They realize the problems that we are facing in our economy. But then they start to see a lot of these proposals that are coming out of Washington, and they don't see how any of these relate to the problems that we are facing today and how they are going to get our economy and our country back on track.

I have got to say that there are a lot of us here that share that same frustration and share that same feeling that Washington still doesn't get the message of what is happening out there in the country and what it is going to take to get the economy back on track.

I think what really underscored it in the last few weeks was when the President released his budget, which really shows the first outline of which direction President Obama wants to take our country and how he plans on dealing with these problems that our country faces. I think what most people have now realized is that the President's budget spends too much money. It taxes too much, and it leaves too much debt behind for our children and grandchildren.

Really, if you look at that in a theme, it really underscores how it misses the point of what is happening out there in the country, the fact that people all across the Nation are tightening their belts. They realize that there are tough economic times out there, and they are dealing with it in each individual family. You hear a lot about the problems with the banking industry. And we will talk a little bit about the banking industry and really how that problem still has not been addressed by this President or by his budget director or by his Treasury Secretary and the fact that a lot of the problems facing our economy still go back to a tightened credit market and a failure in the banking system that we can address and there are ways to address it. And we will talk about that too.

But unfortunately, rather than focusing on those areas, those very narrow areas that can get our economy back on track and get small businesses creating jobs again—the ability is there for us to do that—unfortunately, the budget that the President submitted goes in the opposite direction. At that point, a lot of us who really care about this country and really feel that we have got to make sure we chart the right course have been standing up and saying that there is a better way to do this.

Some people might want to just criticize people who don't just go along and blindly vote ''yes.'' And we have seen so many bad policies coming from people who are just blindly voting for the next thing that is laid on this floor here in the House of Representatives. Yet, there is no accountability and there are no actual benchmarks to get us to where we need to be. There is a better way. And people know this is the greatest country, with all of our flaws, the greatest country in the history of the world. And we know we can get to a better place. Yet, as we stand here tonight, we wonder why we do this. Why do we fight to make this a better country? A lot of it is because we want to leave behind a better place than we have today.

Tonight is a special night because tonight is my daughter's second birthday. I'm here in Washington, and unfortunately, I cannot be with her, and I want to say ''happy birthday'' to Madison. But I want to be here to fight to make it a better country so that my daughter, and everybody else's daughter and son, has a better place, that they can still pursue that American Dream, that dream that makes people come here from all across the world, that they would give up everything to go beneath the Statute of Liberty and look up and see what that represents.

That vision of America is still out there. And it is still in the hearts of people all across this country. But I think for too many people, they don't see that same vision, that same spirit here in this Chamber dealing with these problems. We have been here for 3 days now as we have come back from the break, and all that has been brought up by the Speaker has been votes on post offices and ceremonial resolutions. People want us to be here dealing with these tough issues. People want us to be here tonight, late at night and going into the midnight hour dealing with these tough issues, because they know we can get through this. And they know there is a better way. And that is what we are going to be talking about tonight.

We have some other people that are going to talk with us. But first, I want to talk about some other parts of the President's budget that have caused so much concern for people across the country. I want to talk about how much money it spends. This budget gives a record deficit of $1.7 trillion in deficit spending this year. It is an amount that is unseen in past budgets, an amount that none of us think is a tolerable level. This is all money we don't have, money that will be left to our children and grandchildren to have to pay off. But if they also look—and this is what is sending shock waves throughout the rest of this country now—as people start to read the fine print, they are looking at these tax increases. These are tax increases that President Obama submitted in his own budget. And if you look here, he is projecting to raise $1.4 trillion in new taxes at a time when our economy is in such disarray. We are in a recession, possibly heading toward a depression, because of some of the decisions being made here. We have got the ability to stop that from happening. But you surely don't fix tough economic times by adding $1.4 trillion in new taxes on to the backs of hardworking people, small businesses.

Look at these tax increases, $636 billion would fall on to the backs of small businesses in our country, the people

who create 70 percent of the jobs in our country. Then look at the cap-and-trade legislation. This is a tax on energy. There is actually an energy tax in the President's budget. And while he said here on this floor just a few weeks ago that 95 percent of the people in this country would not be paying a dime in new taxes, what they failed to mention was the next day when he submitted his budget, he had a $646 billion energy tax which is paid for not by those rich people in the top 2 percent, but paid for by every family out there who actually uses energy. And that is going to be roughly a $1,300 tax on everybody who uses power.

So we have laid out a little bit of a framework of what is in this President's budget, what causes us concern and how there is a better way. With that I want to introduce my friend from Georgia (Mr. WESTMORELAND) to also share some of his thoughts on this.

Mr. WESTMORELAND. I want to thank my friend from Louisiana for hosting this hour tonight and giving us a time to come talk to each other and the American people to give them an idea and maybe be able to connect some of the dots of what has been going on in this Chamber for the last 50-plus days of the new administration that we have.

What we have seen in the gentleman's chart where it talks about small business and investors, $636 billion in tax increases on small business. And with that, a small business, a Subchapter S, if they make over $250,000—and if you're in business, you need to make that so you can reinvest in your company—they are taxed as individuals. So, this is a big tax increase. And the interesting part is that yesterday, President Obama came out with a $15 billion small business loan program which, if my figures are correct, is about 2.5 percent of the amount that he is going to increase the taxes on small business. Then the other startling thing when we started looking at this $15 billion—and I want to commend the President for doing the $15 billion and trying to help small businesses after he is burying them in this additional tax burden—but only 5 percent of the small businesses, only 5 percent of the small businesses get their loans from the SBA. So it means the other 95 percent get their loans from their community banks, their local banks.

As the gentleman from Louisiana might remember, one of the reasons that this huge stimulus package or bank bailout bill, there has been so many of them I get confused, but one of the reasons the bank bailout bill was done was to unfreeze the credit market. Well, within 2 days after the bill passed in both Chambers, then-Secretary Paulson took a different track and decided to bail out some of these investment houses on Wall Street. And we can see how that has turned out. But credit was never unfrozen. And so these small businesses are hurting because their community banks can't loan them the money that it takes to make their payroll or do new investment or really just keep their business running.

So what we see is that now, all of a sudden, the government is saying, well, we will make this loan available to you through the SBA. What that does is, it says, we will decide who gets the loans.

In other words, it gives the government the ability to pick the winners and losers of who is going to be able to get these government-backed small business loans. It takes the ability away from these community banks. They don't have the money to lend as a result of the mark-to-market rules and the other rules that have come down because of the catastrophe that we have had on Wall Street. Their assets, their loanable product and their cash reserves have gone down because of the mark-to-market rules. And so they don't have the money to loan to these small businesses in their own community.

If you have a nail shop or a barber shop or an auto repair facility, that community banker knows that community and your ability to repay that loan better than anybody else. But now you're going to have to jump through all the hoops and the red tape that the government has in trying to get an SBA loan. And they will be the ones to pick the winners and losers, rather than the people in the community itself.

So I think you have to look at the big picture of what all of this means. We look at the charitable contributions. If you make over $250,000 a year, which these small business guys will, you can only deduct your charitable contributions or your home mortgage up to 28 percent of your taxable income. Well, what does that mean? Well, the government said, well, the reason we are doing that is because we had money for the charities in the stimulus bill. So what happens? Now, the government is picking the winners and the losers in the charity business. They are not wanting us to be able to take our money and do the things that we normally did with it. We gave to the United Way or to our church or to an overseas ministry or wherever it was, where we wanted our money to go. Now the government is saying, ''no, we are going to limit your ability to do that. We will take care of that for you. We will take your tax dollars and we will reward and give to the charities that we want to give to.''

So you can see the gentleman from Louisiana has greatly explained the cap-and-trade which is going to be a tax on everybody that uses energy. I don't think the American people are going to continue to buy that 95 percent of the people are not going to have a tax increase. That is a misrepresentation. Because if we do the cap-and-trade, everybody that uses energy—and as far as I know, everybody in this country uses some sort of energy—is going to pay more for that energy. That is a direct tax increase.

So I want to thank the gentleman for hosting this Special Order. And I will sit down now and let some of your other friends and my friends get up and talk and continue the conversation.

Mr. SCALISE. Reclaiming my time. Again, I want to thank the gentleman from Georgia for talking on that point about that cap-and-trade tax. And interestingly, about 1 year ago, Peter Orszag was the head of the Office of Management and Budget. He is actually now the President's budget director. The person who today is the President's budget director said that this tax, this energy tax, while decreasing emissions would also impose costs on the economy. Much of those costs will be passed along to the consumers in the form of higher prices for energy and energy-intensive goods.

So what the President's own budget director said was, this energy tax that he has proposed in his budget will actually increase the cost of energy for every American family in this country. But it also will increase the cost of every energy-intensive good, meaning any time you go to fill up your tank at the gas station, you're going to be paying more in energy taxes. Any time you go and buy goods at the grocery store you will pay more because those products you buy, the food you buy, the can of soup you buy, they are trucked in from somewhere or it was shipped in on rail. All of those have costs. And those costs, as the President's budget director said, will be passed on to the consumer.

In fact, we have got estimates that right here, according to an analysis by MIT researchers, the total energy bill for the average American household will increase by up to $3,128 per year based on Congressional Budget Office testimony. So this energy tax right here, this $646 billion that is in the President's budget, we are not talking about some bill that somebody filed that is never going to see the light of day. This has already been filed just 2 weeks ago in the President's budget, a day after he said here on this House floor that no American family that makes less than $250,000 will pay a dime. And the key was a dime. And I guess he was right. He won't pay a dime. According to the Congressional Budget Office, you will pay $3,128 in new energy taxes.

And all of this is coming at a time when our economy is in such a troubled period. We are in a recession. We are trying to get out. And you surely don't get out by throwing $1.4 trillion of new taxes on to the backs of every small business and every consumer of energy, every family in America. We especially want to talk about freeing up these credit markets and getting our banking system working, because that is the problem that got us here in the first place. Some people want to say that there are no alternatives on the table, and there is one way, or ''my way or the highway,'' and it is just their approach or nobody else's. And

maybe they don't want to listen to other opinions. And that is unfortunate.

□ 2215

We live in a democracy, and that means that we exchange ideas and not everybody has a monopoly on great ideas. In fact, with 435 people in this body, you will get some good ideas, and some bad ideas too. I think some of them we have just talked about. But there are good ideas on the table.

One idea still on the table, going back to the first financial bailout, H.R. 7223, this is a bill that was filed, almost a hundred-page bill. I was a cosponsor of this bill. This was our alternative bill to the first financial bailout, about 6 months ago, when that first $700 billion bailout passed which many of us said was the wrong approach to fixing the financial crisis in our country. There was definitely a financial crisis. There still is a financial crisis.

The problem is now the taxpayers are on the hook for $700 billion because the approach they used was to just throw taxpayer money at the problem and not go to the root and say why are banks not lending to banks? Why is it that people who have good credit ratings are having trouble getting loans?

So what we did was we put an alternative on the table. It is kind of an interesting point now that we look at the problems going on with AIG and the fact that we see these egregious bonuses being paid to people, who in many cases were people who ran their company into the ground. The folks over at AIG who were getting $165 million in bonuses, they actually got $173 billion in taxpayer-funded bailouts from that financial bailout. In fact, they were the very people, many of these, who ran that company into the ground.

So why is that a bad approach? I think the American public that is looking at this knows it is a bad approach. They are offended that their tax dollars, their hard-earned tax dollars and money that we don't have, money that our children and grandchildren are going to have to pay, are going to give executives of a failed company up to $6.5 million each in bonuses during these tough times.

So this bill that we filed that is still out there, this is still a solid alternative that I would suggest would help address and fix our economic problems, H.R. 7223, from the 110th Congress.

What it did basically was set up a workout, not a bailout. It allowed and made these companies who ran their companies into the groundwork, actually go and work themselves out by going in and establishing a price for mortgage-backed securities, which is the problem which started all of this. A lot of the problems with subprime mortgages and then Fannie and Freddie giving loans to people who didn't have the ability to pay, all those things that still have not been reformed that need to be reformed, this bill actually addressed that problem, but it went one step further.

My friend from Georgia talked about the mark-to-market accounting rule. Our bill addresses that and suspends it. There is a rule out there, it is a financial accounting rule, that many bank executives will tell you is currently forcing a lot of these mortgaged-backed securities to be valued at zero dollars, even though they have some value. Nobody knows what the value is today. But because the value is unknown, they have to literally mark them down to almost zero which means they have no ability to loan to anybody. By suspending that accounting rule alone, you would free up liquidity in the markets.

One other change we were going to make that still is on the table today, it is still in this proposal and it is called repatriation.

Back in 2005, Congress actually for 1 year lowered the capital gains rates for U.S. companies who have foreign profits. Believe it or not, there are still U.S. companies that are making profits. And some of them work and have businesses in other countries. Unfortunately, not enough of them bring those profits back to America to help the American economy. They leave them in foreign countries because they are taxed. Today, they are taxed on bringing that money back.

For 1 year they tried suspending that tax. They lowered it from 35 percent down to 5 percent. You know what happened, $300 billion of money came into our economy because those U.S. companies said we want to bring that money back and help the U.S. economy because the Federal Government is not going to tax us at such a high rate.

That worked so well, you know what happened when the Democrats took control of Congress in 2006, they revoked that law. So the tax went back up, and you know what happened. Because the tax went up, those profits from those U.S. companies went back overseas. And they are still sitting in foreign banks helping foreign countries. But they could be here helping our country. Not taxpayer money, $300 billion by that one change could be here helping our country get back on track.

These are just a few examples of what is in the alternative bill that was filed over 6 months ago that is still an alternative and we still offer up to the President. If President Obama really wants to get serious about addressing the banking problem, this is one way to go, to not put taxpayers on the hook, but actually use the markets and use the people that created this mess, and then use some smart changes that have been proven over time to put real liquidity back in the marketplace.

I am joined by one of our bright new shining stars, a freshman Member from Utah, Mr. CHAFFETZ.

Mr. CHAFFETZ. I thank the good Member for allowing me to join in this conversation because I think the American people are so frustrated. I am so frustrated. Here we have the greatest opportunity, the greatest country on the face of the planet, and yet we see this excessive spending and these taxes that will continue to grow and take away our liberty and freedom and ability to grow as families and as people. And that borrows so much.

I think inherently the American people know that we can no longer afford to run this country on a credit card. I was touched by the mention of your daughter, Madison, and being 2 years old.

As a father, I have three kids at home, and one of the hardest things about being in the House of Representatives is being away from your family at night. To do the work and argue about the issues of the day is a great privilege, but it is so hard to be away from that family. And you look into the eyes of your daughter or of your son, or you have a loved one who has maybe lost a job, or a friend who has lost a job or has a business that is struggling. I have people in my own community who had home building businesses, and they have literally fallen apart.

The question is how are we going to solve these problems? How are we going to move this country forward? There are some on the Democrat side of the aisle who will argue that only government can solve these problems. It is not only government. In fact, I would argue it is only the American people that will actually go forward and solve and create and build this country back up to where it should be, as the economic and military leader in the world. That is done through entrepreneurs. It is done through building businesses.

I was so satisfied. Actually, I felt a bit of vindication when I saw the President stand up and make the case that I have been making for a long, long time: that small businesses are the ones that are going to build jobs in this country, that small businesses are the drivers of this economy.

And yet, that was the same argument that I used to say look, the trillions of dollars that are going to be set aside for stimulus and bailouts and all of that, isn't going to drive our economy forward. The last stimulus bill that we had, the Republicans in the House of Representatives united. Not one of them voted in favor of it. That was because it expanded 106 Federal programs, 33 new programs and a whole host of other programs, that got money sprinkled across it, but it did nothing for the Madisons of the world, for my son, Max, and Ellis and Kate, and for Burtis Bills, the mayor of Payson, and even my brother's father-in-law, Bob Johnson of Topeka, Kansas, who owns a transmission shop. I had to talk to these people and look them in the eye and convey to them that we weren't doing anything to help them. We were growing government, we weren't growing jobs. We were building all-time,

record-high debt, debt that ultimately has to be paid.

So I look at what we are doing in this government, the amount of spending and the amount of taxes and the amount of borrowing, and say it is just too much. If we are truly going to grow the United States of America, it is going to be that entrepreneur. It is going to be that small business owner that is going to propel this country forward.

Mr. SCALISE. I appreciate the passion and the examples that my friend from Utah gives of real people out there in this country and the things that they are dealing with. And, of course, the way that they deal with it is a lot different than unfortunately the way it is not being dealt with here in Washington. And especially when we know there are proven ways to address these problems.

A lot of us kind of get a little irritated when we hear people complaining that the Republicans were in power and they did this and that so that makes it okay to do what they are doing today.

If we talk about spending, and let's talk about the spending that has gone on. There is a lot of blame that can go around. I sure don't support the deficit spending that has been going on, but what we are seeing today, the deficit spending we are seeing today is historic. It is record levels. While some of our friends may want to criticize spending that had been done in the past, the spending that is going on today makes people in the past look like amateurs on spending. It is levels we have never seen before.

Here is a chart that shows deficits over the last 4 years, and it is $400 billion, trickling down below $200 billion in 2007, definitely going in the right direction. We want to have surpluses and we want to run a balanced budget. I am a cosponsor of a bill to balance the Federal budget. We should require a balanced budget, but at least the direction was trending downward. And then we see the 2010 budget that was just submitted goes to $1.7 trillion in deficit spending in 1 year alone. And those record numbers continue on for years. In fact, the first 4 years of the President's budget would be over a 50 percent increase in the national debt.

In those 4 years combined with every budget since President George Washington, so if you take George Washington and go through President Bush, and in just 4 years, President Obama will add 50 percent to the national debt because of this level of spending. This is again money our children and our grandchildren will have to inherit. In fact, the budget, that spending bill, and some people called it a stimulus bill that passed just a few weeks ago, the $800 billion spending bill that ended up spending billions of dollars on a high-speed rail from California to Las Vegas, and research for a field mouse, and massive growth of government, that one bill alone added over $3,000 in new national debt, $3,000 for every man, woman and child in this country.

People say what did my State get for it? What is my community going to get for it? I think as they look, they will realize over the next few months, as they see more of these egregious spending programs that came out of that bill, they are going to realize that they didn't get $3,000 worth out of that bill.

That is why when we talk about the entrepreneurial spirit, and I think my friend from Texas has some good insights on that, and great entrepreneurs and the fact that government can encourage a way out of this problem, but government spending cannot solve this problem. We can look back to the Great Depression, and we will talk about that and the mistakes made during the Great Depression.

Mr. CARTER. I would like to point out something that seems to be a mistake that is made by a lot of people.

The 2008 budget which would be argued here on the floor of the House was Bush's budget. The reality of spending, we up here, this House of Representatives has responsibilities as well as rights. And the real world is the President proposes a budget, but the Congress adopts the budget. It is the Congress's budget when we get through with it.

So the 2008 budget that shows the increase over 2007 fairly substantially is the Congress's budget. You are not seeing George Bush's budget, you are seeing the Democrat-controlled Congress's budget in 2008.

Now their President has proposed, the Democratic Party's President has proposed a 2009 budget that goes off the charts. It is kind of interesting because we hear, ''I will reduce the budget by 50 percent.'' So let's see, if you raise the budget 300 percent and you reduce it 150 percent, you have reduced it 50 percent. We are still 150 percent over where you were.

□ 2230

And that chart exactly shows what we're talking about. If you look at those lines, we're taking the President at his word, as we go all the way down here, what is that last one? 2018?

Mr. SCALISE. If I can reclaim my time for a moment, and then I will yield back to my friend from Texas. What you're talking about right here in 2008, and this is when the Democratic-controlled Congress ramped up that spending. But even here, it is below $600 billion. And then in the first year of President Obama's budget, it goes up to $1.7 trillion in deficits. This isn't the size of the budget—the budget is over $3.5 trillion—this is just the size of the deficit. And then if you look, by the fourth year of the President's budget, it is still roughly $600 billion. So it's higher in his fourth year than the first budget that he inherited.

And so, while he would say he is reducing it by 50 percent, it is actually larger than the first budget that he inherited because his first budget adds over $1.7 trillion in deficit spending.

And I will yield back.

Mr. CARTER. That's right. That is my whole point. That chart clearly shows you that if your criticism was of the Bush administration for deficit spending—which we heard a lot of noise about that—then if you look at those red columns, none of those drops down to even equal with the largest Republican-led Congress deficit. Okay. They are almost double the Republican-led Congress' deficit all the way to the end of your chart.

But yes, they do reduce that big line by more than 50 percent. If you want to talk about voodoo chart drawing, that's voodoo chart drawing. That's saying, if I jack it up to $3.6 trillion, then, yes, I can drop this thing big time down the road, but you are still way over what you were dealing with back in 2004. So this whole concept of trying to smoke and mirrors the world, it's time to stop all that.

There is a young man I was just talking to out in the hall who has a little business, and he wants to go out and expand his little business. And his world is this, that he looks at it, he gets taxed as ordinary income even though he's a small business, and he says to himself, why should I stick my neck out for another couple hundred thousand dollars in debt to try to expand my business when all I'm going to do is get myself up into a tax bracket that I'm going to be going downhill?

So, that's exactly the example. Or a young man I talked to, walked up to me at an event in Killeen, Texas, and he said, you know, my wife and I started a business 5 years ago. He said, we have taken this idea up to a business that employs 40 people. We are now at a point where we have to make a decision; do we expand our business by borrowing about a half a million dollars, indebting ourselves as a couple, and have the potential to maybe employ 80 people—which, gosh, isn't that what we want? Isn't that what we're talking about, creating jobs? He said, but we look at it, and we see what is coming down with this cap-and-trade and the cost that that's going to put on me, when we see what's coming down on the tax increase for people earning over $250,000, and we're concerned that will put such a burden upon us that we might actually lose this business. So now we're looking at it and saying, maybe we should shore up what we've got and lay off a few people to be sound in hopes that somebody will get sanity back in the taxing of our people in this country. And let's hold on until logic comes back into the world.

That's not the way we want to cause people to expand and have a better life. And that's exactly what we're talking about with this budget that's proposed by the President and looks like is overwhelmingly going to be adopted by the majority in this House.

We've got real issues here that the American people have to think about. Because with your 2-year-old daughter—and I wish her a happy birthday—that's where you should be focusing all

your attention. And I should be focusing all my attention on what we're leaving—not just to her little generation at 2 years old that's going to grow up in this country, but the children that she is going to have and the children they are going to have. If we keep going down the road that we're going down right now with the kind of unbelievable spending that has gone on in the first 50 some-odd days of Obama's first term as President of the United States, if this keeps up, how will our descendants ever pay this back?

Mr. SCALISE. Reclaiming my time, the gentleman from Texas makes some wonderful points. And I appreciate your concern for what happens when Madison, my daughter, grows up and what kind of country she is going to be left with and what kind of debt she is going to inherit. And I think when the American people across the country look at this—and they've started to look at it in, I think, a very close way. And what they're telling me when I go back home, and those of us that have gone throughout the country to our districts, they're telling us that this budget spends too much and it taxes too much. And it borrows too much from future generations at the expense of our ability to get our economy back on track to help those small businesses.

And then they look and they say, well, what are all of these deficits? What is all of this spending going toward? And what they see, they see that first stimulus bill, they look at this TARP money, they look at what's happening with that TARP money and AIG and companies that are getting this money. In some cases, you can't even find out what they did with the money. And then when you find out what they did, it makes you even more angry because you see they are giving it in bonuses to people who helped run those companies into the ground. These are people who truly would be unemployed because they bankrupted their own companies, and today the only reason they have a job is because of these Federal bailouts of these companies. And then they are using that money—not to make loans, but something even more egregious. And as angered as we are hearing about these bonuses that they're paying—$160 million in bonuses that AIG paid to its executives—we also found out today that AIG used $26 billion of that taxpayer money to give to French and German banks—not American banks, to help our American banking system, but $26 billion of that TARP money went to German and French banks, which might be helping their economies in those countries, but it sure isn't helping America. So for those of us who voted against those bailouts, saying I told you so doesn't help anybody, but saying this madness has to end.

And people are looking at this. And then they are seeing the budget that's proposed. And they're seeing these huge spikes in deficit spending and this huge amount of new government socializing of different systems and forms of our economy, and it's scaring people. Because when you look at the stock market, the stock market is an indication not just of what's happening to those individual companies, but of consumer confidence. In fact, since this President took office in January, the stock market is down about 25 percent. That means 401(k)s out there, families who are investing in those markets, their retirement savings are down over 25 percent just since January 20. We're not talking about something that has been going on for over a year now, we're talking about something that is maybe 2 months in the making, a 25 percent decrease because people are seeing these plans—these spending plans, these tax plans, this massive borrowing—and they are realizing somebody has to pay for this.

And what are we doing with this money? And you can't even go find it. It's not helping our country get back on track; because, again, if you go back to the Great Depression—and we said we are going to talk about this a little bit—during the Great Depression in the 1930s, it wasn't because they didn't spent enough money. They actually spent money for years and years and the depression stayed as bad as it was. For over 8 years they spent money. And there is an old saying, if you don't learn from history, you are doomed to repeat it.

Back in the 1930s, the budget director, the Treasury Secretary under FDR, Henry Morgenthau, actually said, ''We're spending too much money.'' After 8 years of them spending money, they were still at double-digit unemployment. We were still in a Great Depression. In fact, some people said we were in a recession then, and the spending brought us into a Great Depression. And FDR's own Treasury Secretary in the 1930s said it's the spending that's giving us all this massive debt, and it's not doing anything to help our economy. It wasn't until World War II that we got back on track.

And so people are looking at that and saying, wait a minute; we sure don't want to make the mistakes of history's past if we learn how we are going to get ourselves out of this problem today.

If the gentleman has anything else to add——

Mr. CARTER. If the gentleman would yield for just a moment, because I actually happened to be thinking about that on my way up here this week.

We are experiencing that rare time that all Members of Congress who travel back and forth have to deal with called spring break. And I think that everybody that flew on an airplane coming up here knows that there were thousands and thousands and thousands of young people going all over the country and all over Mexico—and who knows where—on spring break. And it reminded me of something that Will Rogers said during the Great Depression, he said, ''America is a funny place. We may be the only country in the world that's driving to the poor house in an automobile.'' The whole point was, we need to remind ourselves, as we debate about this issue, that we are Americans who, if given the right tools, can incentivize our way out of any mess we get into.

We are still the most blessed Nation on the face of the Earth. We need to fix this banking crisis. And we don't need to fix it by indebting our grandchildren and our great grandchildren with special projects to meet campaign promises that were made. We need to concentrate on the issue, which is getting credit back in the market. And then that young man out in the hall and that young man in Killeen, Texas, can go borrow their loan from their bank and go invest it in the future for their children and grandchildren, and our country will continue to send all these beautiful children off on spring break.

I think we realize who we are. We can do anything we set our mind to if the government will just get out of the way and give us a chance to do it. I yield back.

Mr. SCALISE. Reclaiming my time. And I thank the gentleman from Texas for sharing that because that is the reason that we're here tonight because we know that there is a better way, there is a way out of this problem. And people across this country know. They know that we put a man on the moon because we, as a nation, set our mind to it and we said we are not going to accept failure. And so as people look at these proposals and they look at these record deficits, they know this is not the way out. They know that if spending would solve this problem, we would have the best economy in decades. And so, clearly, spending and taxing is not the answer.

But there are proven answers; and some of those answers are rooted in the very things we've been talking about, the alternative proposals we've been talking about, ways to help small businesses get back on their feet and hire more people. The people that employ 70 percent of our workforce today are being faced with $640 billion in taxes by this budget, and obviously that has had a ripple effect. And we can unravel that by stopping this from happening.

And people across this country know that, too. That's why you are seeing these tea parties sprout up all across the country where people are saying, we are not going to take it anymore, and we want to stand up and let the government know—because government does answer to the people, especially here in this House, of all places, the People's House. So this is the voice of the people, and we're trying to express that voice. And another great voice is my friend from Texas as well, Mr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding. And I really appreciate your energy and enthusiasm with

coming to the floor at this late hour of the night. You and I serve on the same committee, and our committee has been extremely active for the past several weeks. I think we spent 10 hours today talking about health care. We will spend many hours tomorrow talking about the carbon tax that is going to be enacted before Memorial Day. And then on Thursday we will have another lengthy hearing dealing with food safety; all terribly important issues to the American people. It's good to be up here doing the people's work. Unfortunately, on the floor of the House this week we're not really doing very much, but at least in our committee there is a great deal of work going on.

I will say that I am grateful that this week the President chose to stop talking down the economy and Wall Street, and we perhaps had a little bit of a respite from the inexorable downward spiral that we had seen from Inauguration Day forward. That has been a welcomed respite, I know, to my constituents back home.

I so appreciate the gentleman having the poster which shows the differences in the deficit by the time we lost control of the House with the 2006 election. We were told that we lost the election for the majority of the House in 2006 because of spending, because we had a deficit of $160 billion at the end of that fiscal year. Mind you, that was a year that had seen Federal expenditures go up because of Hurricanes Katrina and Rita, the continued fighting of two wars in the Middle East. We had a tsunami that we had to help with right after the 2004 election. There were some significant expenditures which were really once-in-a-lifetime expenditures, and our deficit was $160 billion.

Now, 3 years later, we are looking at a projected deficit 10 times that much, 10 times $160 billion. And we're told, don't worry, all is well, we can, indeed, spend our way out of this crisis. But I will tell you, I have not been in favor of any of these spending bills that have come through the House of Representatives in the past year. I think, going back to January of 2008, the so-called stimulus bill of $170 billion at that time was an error; it was wrong, and it didn't deliver as intended.

□ 2245

The bill to bail out Fannie and Freddie in July that had to be redone in September didn't have the intended result, and then finally the big bailout that occurred right at the end of September, the first of October, in the election process clearly was a spending bill that we should not have undertaken.

Now, it's instructive to know if you're spending all this money and you're not bringing it in in tax revenue, we are intending or at least the signals are there that the Democrats are intending to raise taxes considerably on every American, as has already been alluded to, this carbon tax. Yes, you won't pay more tax if you earn less than $250,000 a year, unless you turn the lights on, in which case you're going to spend more in taxes, unless you drive a car, in which case you're going to spend more in taxes. So there will be massive tax increases visited upon the middle class of this country. But if you can't tax enough to cover this much spending, where do you get it? Well, you either print it or you borrow it, and right now we are in the process of borrowing this money.

Just a little less than a month ago, I spent an interesting afternoon down at a Federal agency called the Bureau of Public Debt. The Bureau of Public Debt that day was having its third of three auctions. Each auction was to be $32 billion, so roughly $100 billion which was going to auctioned off that day. Each auction lasted 30 minutes. Each auction, fortunately, was fully subscribed, in fact, oversubscribed. So the notes that we had to sell as a country to keep our economy afloat did sell. The interest rate was not terrible. It was 1⅓ percent. At the same time, a month ago we were selling about $160 billion in paper every week. A year before, it was a little less than $100 billion, and it has obviously gone up every year, year over year, and will continue to do so.

What is the effect of putting $2.1 trillion in new paper on the market in a very short period of time? Well, one of two things can happen: Your interest rates will go up or the paper won't sell. If the interest rates go up, that crowds out the private sector, which is also competing for that money to borrow to expand business and grow business. We're going to make it that much harder to add new jobs because we're going to add to the expense of a business growing or expanding. In addition, the tax burden that we are going to be adding in the energy sector alone will be a job-killing crush that most people at this point, quite frankly, haven't engaged upon. They do not comprehend the danger that is coming their way as we seek to recover our economy and grow new jobs and grow new sources of revenue.

One of the things that I have been so concerned about is here we are talking about a very enormous budget, an enormous amount of Federal spending. Have we really corrected the problems that were the underlying difficulties before? And I'm not certain we had. I came to Congress in 2003. I was elected in 2002 and was sworn in in 2003. We had just come through a very significant economic downturn. We had just come through some very significant corporate malfeasance with the implosion of Enron. We had new regulations enacted in Sarbanes-Oxley. And the feeling was that we had done all we needed to do and we had gotten it right. But the reality was there were still problems and we hadn't gotten to the bottom of it.

I urged the prior administration to proceed upon a course with engaging—I don't like to use the term ''Special Prosecutor.'' Perhaps we should call it a ''Special Inspector General''—to look into the problems in the financial institution that caused us to be in this place. That did not happen.

Within the next 2 days, I am going to be introducing with another member on the Joint Economic Committee, another Member of the House, a bill to ask for a commission to study the problems that brought us to this point. I am not a fan of commissions. I think, in fact, most of the time they detract from congressional power and they are something that we should not do. But in this instance, the stakes are so high and the price we will pay if we get this wrong yet one more time will be so large that I, frankly, do not know if the country can sustain that. So I will be introducing legislation to ask for a commission to study not only what went wrong but who should be held accountable at this point. The same as we did with 9/11. The same as we did with the Iraq Study Group. I was not in favor of those commissions, but I think in this situation it does warrant that type of intervention because we cannot allow this to happen again.

And I don't know about you, Mr. SCALISE, but when I go down to Denton, Texas, when I go home to Fort Worth, Texas, or Lewisville, Texas, and I talk about these problems, everyone wants to know who is responsible and when are we going to see someone held accountable? And the fact that we see more people receive bonus money for driving their companies into the ground because, oh, I'm so sorry, it's contractual obligation; so we have no way around it. Nonsense. Ask any Delta pilot what happened to their contractual obligation about their pension. Ask any United pilot what happened to the contractual obligation with their pension, and they will tell you what those contractual obligations were worth. These contractual obligations to AIG border on criminal. There is no defense for our continuing down this road, and those need to be stopped.

I do hope that people will take a look at the concept of having a commission to study this problem because I do believe that the difficulties are so deep and so entrenched that if we do not correct them, if we do not get rid of the dry rot that's in the system, we will build an entirely new house of cards on an unstable foundation, and we know where that will lead.

But I do thank the gentleman for bringing this forward. Again, I know it's been a very long day at least for members of our committee. We will have a long day again tomorrow. We'll have a long day on Thursday. I wish our floor schedule mirrored that. Unfortunately, right now we don't seem to feel the same urgency on the floor of the House that the American people are feeling every single day as they watch the job losses mount in their communities and their area.

But I thank the gentleman very much for allowing me a chance to talk on this.

Mr. SCALISE. I want to thank my friend from Texas for sharing that with us. And really it is important that we unravel this mess, that we not only fix these problems but also that we hold those accountable who got us in this mess in the first place because in some cases some of those same people are still out there today using taxpayer money to enrich themselves when so many people across the country are struggling.

And when we go back to these charts and we look at these record deficits, we look at the fact that, yes, in 2004, 2005, 2006, and 2007, we had deficits and they were too high. But they were too high while they were less than $200 billion. Today we're facing a deficit that's over $1.7 trillion. An exorbitant amount of money. An amount of money that's going to saddle future generations.

And when we look historically at our national debt, we started with about $10 trillion in national debt at the beginning of this year. We're already closing in on $12 trillion in national debt, and this chart shows how it continues to rise in the years ahead with these record deficits and these taxes that are going to kill jobs in our country. So that's what we are trying to stop. We are not saying this is something that has already happened when we get beyond 2008. We're talking about things that are proposed that we can stop.

So I want to go back to my friend from Utah who's got an interesting insight as well to talk about what we can do to stop this and where this national debt leads us if we don't stop it from happening.

Mr. CHAFFETZ. I thank the gentleman for yielding.

This chart should be concerning to every single American because what it shows is a doubling, a doubling, from $10 trillion to over $20 trillion of debt. Somebody has to pay that. It's going to be our kids and our grandkids and future generations. We continue to leave this country in a state of debt that is not sustainable.

I didn't create this mess, but I am here to help clean it up. I'm a freshman here. But I think we all have to take some responsibility and hold our government leaders accountable for the mess that we're getting in. I think they would appreciate it a lot more if there were more sacrifice. The President talked about going line by line, item by line. We were going to get rid of earmarks. We were going to get rid of this; we were going to get rid of that, go line by line. That hasn't happened. The very day after the President said those words, we were presented a bill that was $410 billion and it had over 8,500 earmarks, 8,500-plus earmarks. The President had just asked for zero, for none. And yet it passed. It went to the President and he signed it. That just doesn't sound like the type of responsibility and accountability that I would expect from my own kids, from the President of the United States. So there has to be this degree of responsibility.

And I also want to touch on the AIG thing because that's on the top of everybody's mind. Really what we have seen is a redistribution of wealth. We have seen the government misuse the role of government in reaching into people's pockets and then redistributing that, picking winners and losers like AIG and others, and saying it's better that we take that money out of the people's pockets and put it in their pockets. And then with this audacity, this greed, this unsustainable, unacceptable passion, they go out and misuse this money.

Don't you just wish these executives that were going to get these bonuses—why don't they just step up and do the right thing? I wish there would be a sense of pride within these people to say it's just not right for me to get a bonus. It's like when I was a little kid and I was playing soccer or baseball or something like that. I was taught that what you were supposed to do is if you stepped over the line, if you didn't actually make it, you're supposed to call it yourself instead of saying, well, that wasn't me, instead of getting tied up in some technicality that would allow them to do something that they really should not have been doing.

So what I would hope that people would do is to take this personal responsibility. The government's not. We are here to fight to make sure that it does become more accountable. But it's this underlying greed that, oh, my goodness, please, step up and do the right thing.

But that debt, that is something we can do something about. And that's why I think you see so many of us stepping up and saying the President's budget spends too much, it taxes too much, and it borrows too much.

Mr. SCALISE. I thank my friend from Utah again because I think what he touches on is this lost direction, this lost focus on the real problem that we are facing right now. And those of us that are here tonight are staying here as late as we can to try to get this administration back on track, focused on fixing the problems of this economy, on fixing the problems in our banking system.

Again, that bill is still out there, H.R. 7223, from the 110th Congress. We are still ready to present these ideas. These are good solutions to solve the problems our country faces today. But instead what do we get? Instead of that line-by-line scrutiny that we need, for the last 2 weeks we've had the White House, people in the White House, picking on media personalities, talking about what Rush Limbaugh is saying on the radio or what Jim Cramer is saying on CNBC. If that's the focus of this administration, it's no wonder why people are so mad out there in the rest of the country saying what about the focus on the real problems that we are facing and the things that need to be done, the things the White House needs to be doing to address those problems, going line by line and cutting out the waste and the fraud and the corruption that exists in this government and in this budget instead of picking on media personalities or filing bills to tax small businesses or families on their energy bill?

Just last week we saw a bill filed called Card Check. A bill that literally would take away an employee's right to a secret ballot in a vote over whether or not to form a union. This is something for decades that's been in law. There's a process. If somebody wants to form a union, there is a process they go through, but it involves a secret ballot in the end to decide whether or not those employees actually want to form a union, and it's a protection for the employee so that they are freed from the intimidation and the coercion that has gone along in years past, in decades past, times in our history we sure don't want to repeat. That bill was filed last week to take away an employee's right to a secret ballot and forcing arbitration on companies.

The U.S. Chamber of Commerce has come out with reports that show that bill alone would cost our country 600,000 jobs in the first year, 600,000 jobs if that bill passed that would go overseas. And the President said he would sign that bill. So people look at this and they say we're facing real problems in our country, but we know, because we're America, because we are the greatest country in the world, we know we can address and fix these problems. But what they are very disappointed in is that they don't see solutions coming out of the leadership here in Congress and the White House. So that's why we are going to continue to talk about it and find solutions and find a better way.

□ 2300

TAKING US IN THE WRONG DIRECTION

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from North Carolina (Ms. FOXX) is recognized for the remaining time until midnight.

Ms. FOXX. Mr. Speaker, I want to congratulate my colleagues on the great job that they have done this evening in presenting information about the budget, the deficit, the challenges that we are facing in this country, and I particularly want to agree with Congressman CARTER from Texas for the statement he made about the fact that we live in a wonderful country.

In fact, I tell my friends all the time, the first thing I do in the morning when I wake up is say thank you, Lord, for letting me live in this country. And the last thing I say, before I go to sleep

at night, is thank you, Lord, for letting me live in this country.

We are the most blessed people in the world, I believe that God has given us tremendous opportunities and responsibilities. And for those of us who have been here tonight and other nights and other days talking about what's happening in our country, we are really motivated by the fact that we know we live in the greatest country in the world, and we want it to remain that way.

And what we see happening in this country is people taking us in the wrong direction in order to maintain the greatness and the opportunities that this country has always had and always presented.

One of the things nobody said tonight is the fact that we, as Republicans, we, as conservatives, I would say—not all Republicans are conservatives, but those of us who are conservatives and who have been here talking about these issues are not alone. There are many Democrats who share our concerns too.

I want to just share some quotes from some of our colleagues who have expressed their own concern and their own apprehension about the proposals that have been made by this Congress and by this President.

Senator EVAN BAYH, Democrat of Indiana. ''I do think that before we raise revenue we first should look to see if there are ways we can cut back on spending.'' As for the tax increases on high-income earners called for in Obama's plan, BAYH said, I do think that before we raise revenue, we first should look to see if there are ways we can cut back on spending. This was in Politico March 3, 2009, ''Moderates Uneasy With Obama Plan.''

Again, Republican conservatives are not the only ones that are worried about the direction that we are going. Senator BEN NELSON, Democrat of Nebraska, ''I have major concerns about trying to raise taxes in the midst of a downturn of the economy.''

Then he says, ''On the one hand, you're trying to stimulate the economy. On the other hand, you're trying to keep money from going into taxpayers' pockets. It's very difficult to make that logic work.'' Again, Politico, March 3, 2009.

Representative SHELLEY BERKLEY, Democrat, Nevada.

''Representative Shelley Berkley, (D–Nev) called the proposal 'a nonstarter,' telling Geithner, 'I'd like to think that people give out of the goodness of their hearts, but that tax deduction helps to loosen up their heartstrings.' Outside the hearing, Berkeley said the proposed tax increase was 'the number one issue on the minds of her constituents over the weekend. Reminded that the provision is intended to raise hundreds of billions of dollars to finance an expansion of health insurance coverage, Obama's top domestic priority, she said, 'We can find another way.' ''

We know that going in this direction, and these Democrats know, that this is not the way that we should be going. We should not be taking more money from the American people. Cutting back spending would be the appropriate way to go.

I have a couple of other articles that I want to share, actually three articles that I want to share pieces of, because, again, they show, I think, the direction or the concern that people are having about these proposals that have been made in the last 50 days.

This article is from Stewart Taylor, Jr., it's in the National Journal, March 7, 2009. Stewart Taylor is known as a very strong liberal. He has been described in other terms even stronger than that, in terms of his liberalism, but I am just going to call him that tonight.

The title of this article is ''Obama's Left Turn.'' It reads, ''Having praised President Obama's job performance in two recent columns, it is with regret that I now worry that he may be deepening what looks more and more like a depression and may engineer so much spending, debt, and government control of the economy as to leave most Americans permanently less prosperous and less free.

''Other Obama-admiring centrists have expressed similar concerns. Like them, I would like to be proved wrong. After all, if this President fails, who will revive our economy? And when? And what kind of America will our children inherit?

''But with the Nation already plunging deep into probably necessary debt to rescue the crippled financial system and stimulate the economy, Obama's proposals for many hundreds of billions in additional spending on universal health care, universal postsecondary education, a massive overhaul of the energy economy, and other liberal programs seem grandiose and unaffordable.

''With little in the way of offsetting savings likely to materialize, the Obama agenda would probably generate trillion-dollar deficits with no end in sight or send middle-class taxes soaring to record levels or both.

''All this from a man who told the Nation last week that he doesn't 'believe in bigger government,' and who promised tax cuts for 95 percent of Americans.

''The President's suggestions that all the necessary tax increases can be squeezed out of the richest 2 percent are deceptive and likely to stir class resentment. And his apparent cave-ins to liberal interest groups may change the country for the worse.''

Then he goes on to say, ''Such concerns may help explain why the Dow Jones Industrial Average plunged 17 percent from the morning of Inauguration Day (8,280) to its close on March 4 (6,876). The markets have also been deeply shaken by Obama's alarming failure to come up with a clear plan for fixing the crippled financial system—which has loomed since his election 4 months ago as by far his most urgent challenge—or for working with foreign leaders to arrest the meltdown of the world economy.

''The house is burning down. It's no time to be watering the grass.

''This is not to deny that the liberal wish list in Obama is staggering $3.6 trillion budget would be wonderful if we had limitless resources. But in the real world, it could put vast areas of the economy under permanent government mismanagement, kill millions of jobs, drive investors and employers overseas, and bankrupt the Nation.''

Let me say again, these words are not being written or spoken by a conservative, they are being spoken by a person who calls himself a moderate but is described by most people as quite a liberal.

He goes on to say, ''Meanwhile, liberal Democrats in Congress are racing to gratify their interest groups in a slew of ways likely to do much more harm than good: Pushing a union-backed 'card check' bill that would bypass secret-ballot elections on unionization and facilitate intimidation of reluctant workers; slipping into the stimulus package a formula to reimburse States that increase welfare dependency among single mothers and reduce their incentives to work; defunding a program that now pays for the parents of some 1,700 poor kids to choose private schools over crumbling D.C. public schools; fencing out would-be immigrants with much-needed skills.

''Not to mention the $7.7 billion in an omnibus spending bill to pay for 9,000 earmarks of the kind that Obama campaigned against: $1.7 million for research on pig odors in Iowa; $1.7 million for a honey bee factory in Texas; $819,000 for research on catfish genetics in Alabama; $2 million to promote astronomy in Hawaii, $650,000 to manage beavers in North Carolina and Mississippi; and many more.''

The article goes on and on as I said, but I want to share, not all of it, but a couple of more pieces of it, because I don't want to spend all the time reading from this article.

I want to skip over to where he says, ''Small wonder that liberal commentators who complained about Obama's initial stabs at bipartisanship are ecstatic about his budget. And small wonder that some centrists, who have had high hopes for Obama—including New York Times columnist, David Brooks, my colleague, Clive Crook, David Gergen and Christopher Buckley—are sounding alarms.

''In a March 3 column headed 'A Moderate Manifesto,' Brooks wrote, 'Those of us who consider ourselves moderates—moderate conservative, in my case—are forced to confront the reality that Barack Obama is not who we thought he was. His words are responsible; his character is inspiring. But his actions betray a transformational liberalism that should put every centrist on notice. The only thing more scary than Obama's experiment is the thought that it might fail.''

Then I will share the end of the column, ''I still hold out hope that Obama is not irrevocably 'casting his lot with collectivists and status,' as asserted by Peter Wehner, a former Bush aid and a leading conservative intellectual now with the Ethics and Public Policy Center.''

''And I hope that the President ponders well Margaret Thatcher's wise warnings against some collectivist conceits, in a 1980s speech quoted by Wehner: 'The illusion that government can be a universal provider and yet society still stay free and prosperous. The illusion that every loss can be covered by a subsidy. The illusion that we can break the link between reward and effort, and still get the reward.' ''

Again, my point in sharing this is that it isn't just conservatives who are concerned with the direction in which we are going in this society.

There is another article on an Internet Web site called GOPUSA that many people who use the Internet and use e-mail will be familiar with. The title of it is ''George Orwell Would Be Impressed With Barack Obama,'' and it's written by Doug Patton and it's dated March 2, 2009.

''There he was, standing before a joint session of Congress, promising America the Moon 1 minute and sounding like a deficit hawk the next. President Barack Obama and his Democrat cohorts had just rammed through the biggest pile of pork in the history of the republic, and yet there he stood, before the whole Nation, telling us he was going to go through the budget 'line by line' finding ways to cut waste. In fact, he intended to 'slash the deficit' he 'inherited' by almost exactly the amount he and his Democrat Congress had just spent. What a coincidence.''

The article goes on to say, ''Obama is a combination of Ronald Reagan and Big Brother—by which I mean that he uses his considerable communications skills to sell the agenda of the huge, intrusive government, and that he does it in a ''Newspeak'' that would impress George Orwell.

''Those who have read Orwell's prophetic little tomorrow, '1984,' will recall that 'Newspeak' was a language in which the line between contrary concepts was so blurred that words either had no meaning at all or could be used to create concepts that were contrary. When words no longer had meaning, the concept of truth was not far behind.''

I want to say to those who are watching this tonight, if you have never read ''1984,'' or if it's been a long time since you have read it, I will urge you to reread it now, because I think you will be startled by it and by the analogies that are being made by this author here tonight.

So what will Obama's America look like if he gets all that he wants? It won't happen overnight, but if he has his way, eventually it will be a very dreary place, much like the old Soviet Union. Having followed the old Marxist axiom of making everyone equal, Obama will have brought about the same kind of quality instituted by the old Soviet Politburo. Gone will be the quality of opportunity we have enjoyed for more than 200 years, the right to experience life, liberty and the pursuit of happiness. In Obama's America, as in the failed Soviet State, a quality of outcome will be the preferred result. The idea is to make everyone equally prosperous.

This sounds good in theory until one considers that the only way governments have ever accomplished this is by making men and women equal in their poverty, misery and squalor.

□ 2315

And how does the President pay for it all? It doesn't seem to matter to most Americans. He talks about taxing the rich in order to pay for his schemes. Yet, if our government confiscated 100 percent of the income of everyone in this country making more than $75,000 a year, he would barely have enough to cover this year's budget. And we don't even have universal health care yet.

Human beings are endowed with our rights by our Creator. Our Founders recognized that principle. This President and the majority in Congress believe our rights come from them. No one, until now, has been able to sell that idea to the American people. Barack Obama is doing his best to sell it to us now, and George Orwell would be very impressed.

The last article I want to share is an article from the Saturday-Sunday March 7–8, 2009, Wall Street Journal. I think another thing that hasn't been clear to the American people is that there are many things said by the President, by the leadership in this Congress, that if you look behind the curtain, as we do in the Wizard of Oz, you will see that what is being said and what is actually being done are not exactly the same thing.

More and more people are beginning to talk about this, but few have brought out really good examples of it as well as this article in the Wall Street Journal does.

The title of it, and it's an editorial, the title of it is: Obama Channels Cheney. ''The Obama administration this week released its predecessors post-9/11 legal memoranda in the name of transparency, producing another round of feel-good Bush criticism.

''Anyone initiated in President Obama's actual executive power policies, however, should look at his position on warrantless wiretapping. Dick Cheney must be smiling.

''In a Federal suit, the Obama legal team is arguing that judges lack the authority to enforce their own rulings in classified matters of national security. The standoff concerns the Oregon chapter of the al-Haramain Islamic Foundation, a Saudi Arabian charity that was shut down in 2004 on evidence that it was financing al Qaeda. Al-Haramain sued the Bush administration in 2004, claiming it had been illegally wiretapped.

''At the heart of the al-Haramain case is a classified document that it says proves that the alleged eavesdropping was not authorized under the Foreign Intelligence Service Act, or FISA.

That record was inadvertently disclosed after al-Haramain was designated as a terrorist organization; the Bush administration declared such documents state secrets after their existence became known.

''In July, the ninth circuit court of appeals upheld the President's right to do so, which should have ended the matter. But the San Francisco panel also returned the case to the presiding district court judge, Vaughn Walker, ordering him to decide if FISA preempts the state secrets privilege. If he does, al-Haramain would be allowed to use the document to establish the standing to litigate.

''The Obama Justice Department has adopted a legal stance identical to, if not more aggressive, than the Bush version. It argues that the court-forced disclosure of the surveillance programs would cause exceptional harm to national security by exposing intelligence sources and methods. Last Friday, the ninth circuit denied the latest emergency motion to dismiss, again kicking matters back to Judge Walker.

''In court documents filed hours later, Justice argues that the decision to release classified information is committed to the discretion of the executive branch. And is not subject to judicial review. Moreover, the court does not have independent power to order the government to grant counsel access to classified information when the executive branch has denied them such access.

''The brief continues that Federal judges are ill-equipped to second-guess the executive branch. That is about as pure an assertion of Presidential powers as they come, and we are beginning to wonder if the White House has put David Addington, Mr. Cheney's chief legal aid, on retainer.

''The practical effect is to prevent the courts from reviewing the legality of the warrantless wiretapping program that Mr. Obama repeatedly claimed to find so heinous, at least before taking office.

''Justice, by the way, is making the same state secrets argument in a separate lawsuit involving rendition and a Boeing subsidiary.

''Hide the children, but we agree with Mr. Obama that the President has inherent Article II constitutional powers that neither the judiciary nor statutes like FISA can impinge upon. The FISA appeals court said as much in a decision released in January, as did Attorney General Eric Holder during his confirmation hearings.

''It's reassuring to know the administration is refusing to compromise core executive branch prerogatives, especially on war powers. Then, again, we

are relearning that the ''Imperial Presidency'' is only imperial when the President is a Republican. Democrats who spent years denouncing George Bush for spying on Americans and illegal wiretaps are now conspicuously silent. Yet, these same liberals are going ballistic about the Bush-era legal memos issue this week.

''Cognitive dissonance is the polite explanation, and we wouldn't be surprised if Mr. Holder released them precisely to distract liberal attention from the al-Haramain case.

''By the way, those Bush documents are Office of Legal Counsel memos, not political directives. They were written in the immediate aftermath of a major terrorist attack, when war seemed possible, and it would have been irresponsible not to explore the outer limits of war powers in a worst case scenario. Based on what we are learning so far about Mr. Obama's policies, his administration would do the same.''

''I think, again, it's important that even late at night, when maybe not too many people are paying attention, we reveal some of the cognitive dissonance that exists in this administration and in this Congress in ways that it discussed the previous administration, actions of the previous administration, and the things that it is doing now.

''We have to hope that once he became President, President Obama did learn that there are some things that the President must do that he may have railed against as a candidate, and hope that there's a maturity there that will service us all well.''

I want to end my comments tonight on a totally different subject. Today, we passed a resolution celebrating Women's History Month. I was not able to be here during that time. But I often point out the situation with women in the Congress and with the role that they have played in our country over the years, and celebrate that role, as I think it is important to our country.

Most people know very little about the history of women in our country; about the history of women and their voting rights. So I am going to share just a little bit with you on that issue. And I have learned some of these things since coming to Congress.

Some people may not know that in 1790, the New Jersey colony granted voting rights to all free inhabitants. But then, in 1807, they took back from New Jersey women the right to vote.

In 1869, the Wyoming territory gave women full suffrage; 1870, Utah. And it goes on and on with other States, other territories giving women the right to vote. In fact, the first woman who was elected to Congress was elected in 1916 before women in this country had the right to vote. She was from Montana—Jeannette Rankin.

She was elected there, and women got the right to vote in the West because women were valued much more in the West in the early days of our country, and that was one of the ways to attract women to come out West.

Let me give you a little history of the women in the Congress. Thirty-seven women have served in the United States Senate. Only 37. I don't have the total number of the men who have served, but I have been told that approximately 12,000 men have served in the Congress. Only 37 women in the Senate. Seventeen are currently serving.

Two hundred twenty-nine women have served in the U.S. House of Representatives. Seventy-four of them are currently serving. That totals 266 women that have ever served in the United States Congress; 91 currently serving. So 12,000 men, 266 women.

I am the fourth woman from the State of North Carolina. The first woman was elected in a special election in 1946. She served 1946 and 1947 and didn't run in the general election for re-election. Eva Clayton from the first district was the first woman to serve. She was elected in a special election. SUE MYRICK, who's currently serving, was the second woman to be elected. North Carolina has had two women Senators; Elizabeth Dole, who served from 2003 to 2008, and KAY HAGAN, who is currently serving.

I think most of us wish we would have more women serving in the Congress on both sides of the aisle because we believe that it adds to the Congress in terms of the perspectives that we bring, is as it adds to the Congress that we have men serving who have been in many, many different professions and had many, many different experiences.

I see that my colleague from Texas has joined me. Before I yield back my time, I would like to see if he has some comments that he would like to make. This is Mr. GOHMERT from the great State of Texas. I would remind him that he and I are the only two things standing in the way of adjournment tonight.

Mr. GOHMERT. I do thank my dear friend, Ms. FOXX, for the things that she's pointed out tonight, Mr. Speaker, and also for the good that she's done. I hadn't realized. I guess we don't notice gender around this body, but apparently one of the few women. I didn't realize there had been that few. But what a powerful contribution, Mr. Speaker, that Ms. FOXX has made, and is making. It makes me very proud to be serving with her, as we came in together.

But there is something that we have discussed and have in common, and that is a concern about the morality of this Nation. Chuck Coulson talked about in a recent Bible study group we had, quoted Michael Novak, using the metaphor of the three-legged stool on which a government and a country like ours is seated.

Now many have used the metaphor of the three-legged stool, but he was pointing out that really the three legs are composed of morality, economic freedom, and political freedom, and that you need all three legs.

What we have seen in this country is a breakdown of the morality leg. As we look at the struggles in our economy, it seems that there has been a real problem with this nagging issue of greed and jealousy and envy, covetousness. People see what others want and they want that and they want more.

□ 2330

And as we have seen greed take over good sense, then it affects the economic freedom. And as that has impacted the economy and the economy has gotten in trouble, what we see throughout history is that when people have a choice between order and freedom, they will give up freedom just to have order, and that it puts our entire political freedom at risk when we have had a breakdown in morality affecting the economy, and then the third leg goes, our political freedom.

I have been visiting with a group tonight, and I know the rules of the House are that we don't call attention to anyone in the gallery so I will not do that. But I have been visiting tonight with friends from Lufkin, Texas, Mayor Gordon and his wife, and Paul Parker and his wife and their grandson, Josh. They understand this issue of morality. They understand that a country cannot be perpetuated where you lose that leg of the three-legged stool.

We even see it in Washington, where people get envious: Well, somebody got something in their district, I want something in mine. And if they put what they want or their district's wants over the needs of the Nation, then we come in here and we pass bills that have 9,000 earmarks in them that don't help with the stimulus, they don't help the country go in the right direction. And it is really kind of a moral leg that is affected there as well, which affects the economy because it doesn't stimulate the economy, which can throw the economy into chaos, at which time people are willing to give up political freedom in order to have the security of some order in this Nation.

I have been inspired by some of the words of our President, President Obama. But as we have found, leadership is not found in the lines on a teleprompter; leadership is something you have got to do, how you live. And George Washington, we know, struggling as we was to win freedom, he knew that his life had to be transparent, that he had to be humble, and he had to be a man of complete honesty; otherwise, it wouldn't survive. And his quote was: Men unused to restraint must be led; they will not be driven. And that is what we need more of, not just pretty words that are read from a teleprompter. We need leadership. We need people not to say we are not going to allow greed to get $165 million worth of bonuses after driving a country into the dirt. Not at all. No, we need leadership that doesn't just say these things. They follow through, and make sure he appoints honorable men, honorable people. And by that I

mean generically men and women, because of the contribution.

We were just down to Statuary Hall, and I was pointing out the first woman to address a group in Congress was a Christian evangelist, I think it was before 1820, that delivered the Sunday nondenominational Christian sermon down in Statuary Hall back when it was the House of Representatives. But men and women have inspired this place, but they don't inspire anyone unless their life is transparent enough so that people know that they mean what they say.

So as we continue to have these issues arise of the lack of morality; Ms. Coleson once said: You can't have the morality of Woodstock and not have tragedies in this country. If you have the morality of, ''If it feels good, do it,'' then you are going to have some catastrophes, because some people will want to see how it feels to do different catastrophic, greedy, terrible things. So we have got to get back to our moral underpinnings and moral anchoring so that we can move forward. But we need leadership from the White House to the Senate to this House to be in order so that they can lead by example, and not put earmarks in that may help some people but not help the economy and not help the Nation move forward and not help the generations to come.

Ms. FOXX has heard me say, Mr. Speaker, before. As a judge, I know if a parent were to have come before me and that parent had been to the bank and said, I can't control my spending, I just can't stop spending, so please make me a loan; and my children and my grandchildren, maybe my great grandchildren who aren't even born, will pay it all back some day because I can't and I can't control my spending. Well, that parent wouldn't get to keep the kids much longer, and especially if the kids had kids. That raises issues.

But in any event, we have got to get back to morality of good leaders here. We don't spend our children's money, we don't spend our grandchildren's money and our great grandchildren's money. That is irresponsible. And if we are going to do the business of this Nation with which we have been trusted, we have got to just reestablish the moral leg, the humility, the strength of character that Washington displayed, and that I have seen in my friend, Ms. FOXX. I appreciate your yielding and I appreciate the chance to speak here.

I have seen that same moral strength in a group that is here at the Capitol tonight from Murray State University, a group of Christians that are here.

So thank you for yielding and allowing me to speak tonight. And thank you for taking this time.

Ms. FOXX. I want to thank my colleague from Texas for coming in tonight and sharing this time with me and ending the evening on the appropriate note.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HALL of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 24.

Mr. JONES, for 5 minutes, March 24.

Mr. ROONEY, for 5 minutes, March 18.

Mrs. CAPITO, for 5 minutes, today.

Mr. LATOURETTE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, March 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KRATOVIL, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1127. An act to extend certain immigration programs.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 18, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

893. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-08-0105; FV09-932-1IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

894. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate [Doc. No.: AMS-FV-08-0107; FV09-925-2IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

895. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2008-2009 Crop Year for Tart Cherries [Doc. No. AMS-FV-08-0089; FV09-930-1FR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

896. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No. AMS-FV-08-0108; FV09-916/917-1 IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

897. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Relaxation of Handling and Import Regulations [Docket No.: AMS-FV-08-0036; FV08-946-1 FIR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

898. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fruit, Vegetable, and Specialty Crops-Import Regulations; Proposed Revision to Reporting Requirements [Docket No.: AMS-FV-07-0110; FV07-944/980/999-1 FR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

899. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years (RIN: 0560-AH85) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

900. A letter from the Acting Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James N. Soligan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

901. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Removal and Modification of Certain Entries from the Entity List; Person Removed Based on Removal Request and Clarification of Certain Entries [Docket No.: 0812241647-9151-01] (RIN: 0694-AE51) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

902. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from Speaker Luka Bebic of the Croatian Parliament; to the Committee on Foreign Affairs.

903. A letter from the Acting Director, Office of Personnel Management, transmitting

the Office's final rule — Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections (RIN: 3206-AL66) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

904. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Landing Craft, Air-Cushioned (LCAC), (LC-42), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0418] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USS RUSHMORE (LSD-47), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0417] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

906. A letter from the Director, National Science Foundation, transmitting the Foundation's report entitled, ''Women, Minorities, and Persons With Disabilities in Science and Engineering: 2009,'' pursuant to Public Law 96-516; to the Committee on Science and Technology.

907. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activites IRC Section 41 — Revised Exhibit C [LMSB-4-0209-008] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

908. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-20] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

909. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's seventh quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; jointly to the Committees on Armed Services and Appropriations.

910. A letter from the Executive Director, Office of Compliance, transmitting the Office's biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to 2 U.S.C. 1302, section 102(b); jointly to the Committees on House Administration and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 250. Resolution providing for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws (Rept. 111–39). Referred to the House Calendar.

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. VELÁZQUEZ (for herself, Mrs. DAHLKEMPER, Mr. GRIFFITH, and Mr. SESTAK):

H.R. 1541. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business. considered and passed. considered and passed.

By Mrs. MALONEY (for herself, Mr. POMEROY, Mr. ENGEL, Ms. HIRONO, Mr. HIGGINS, and Mr. SPACE):

H.R. 1542. A bill to amend the Internal Revenue Code of 1986 to impose a 100 percent tax on bonuses paid by businesses that receive TARP assistance and are majority owned by the Federal Government; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 1543. A bill to amend the Internal Revenue Code of 1986 to impose a tax on bonuses received from companies receiving TARP funds; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. KENNEDY, and Ms. KILPATRICK of Michigan):

H.R. 1544. A bill to amend title 38, United States Code, to provide for unlimited eligibility for health care for mental illnesses for veterans of combat service during certain periods of hostilities and war; to the Committee on Veterans' Affairs.

By Mr. BOCCIERI (for himself and Mr. LEE of New York):

H.R. 1545. A bill to amend the Internal Revenue Code of 1986 to make the credit for research activities permanent and to provide an increase in such credit for taxpayers whose gross receipts are predominantly from domestic production activities; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself and Mr. BOOZMAN):

H.R. 1546. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Committee on Care of Veterans with Traumatic Brain Injury; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr. RYAN of Wisconsin, Mr. PAUL, Mr. AKIN, Mr. RYAN of Ohio, Mr. GRAVES, Mr. GRIJALVA, Mr. OLVER, Mr. WILSON of South Carolina, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. HOLT, Ms. FUDGE, Mr. LAMBORN, Ms. WATSON, Mr. MCGOVERN, Mr. PAYNE, Mr. BOUCHER, Mr. SIRES, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. KAPTUR, Mr. MOORE of Kansas, Mrs. BIGGERT, Ms. BALDWIN, Mrs. MALONEY, Mr. TURNER, Mr. HASTINGS of Florida, Mr. WOLF, Mr. CLEAVER, and Mr. HINCHEY):

H.R. 1547. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. INSLEE, Mr. BARTON of Texas, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. ROGERS of Michigan, Mrs. BONO MACK, Mr. HILL, Mr. UPTON, Mr. BARROW, Mr. PITTS, Mr. THOMPSON of California, Mr. CAPUANO, Mrs. DAVIS of California, Mr. BILBRAY, Mr. DREIER, Mr. ELLSWORTH, Mr. MCGOVERN, Mr. HERGER, Mr. DENT, Mr. GERLACH, Mr. BISHOP of New York, Ms. ZOE LOFGREN of California, Mr. PENCE, Mr. SOUDER, Mr. HONDA, Mrs. TAUSCHER, Mr. SCALISE, Mr. TOWNS, Mr. CROWLEY, Mr. ISSA, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BEAN, Mr. DELAHUNT, Mr. SMITH of Washington, Mr. MCCARTHY of California, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. DONNELLY of Indiana, Mr. HALL of Texas, Mr. LANCE, Mr. HOLT, Mr. NUNES, and Mr. KIND):

H.R. 1548. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. SLAUGHTER (for herself, Mr. TIERNEY, Mr. HONDA, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. GRIJALVA, Ms. HIRONO, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Ms. LEE of California, Mr. DEFAZIO, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. FARR, Ms. DELAURO, Mr. SHERMAN, Mr. CONNOLLY of Virginia, Mr. STARK, Mrs. MALONEY, Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, and Ms. KILROY):

H.R. 1549. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce, 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 Ms. SUTTON (for herself, Mr. BRALEY of Iowa, and Mrs. MILLER of Michigan):

H.R. 1550. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles or public transportation; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. MCGOVERN, Mrs. CAPPS, Mr. MCDERMOTT, Mr. BERMAN, Ms. HIRONO, Mr. HINCHEY, Mr. CROWLEY, Mrs. MALONEY, Ms. DELAURO, Mr. DOYLE, Ms. SLAUGHTER, Mr. FARR, Mr. FATTAH, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. NORTON, Mr. BLUMENAUER, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, and Mrs. DAVIS of California):

H.R. 1551. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KRATOVIL (for himself and Mr. LEE of New York):

H.R. 1552. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1553. A bill to amend the Home Owners' Loan Act to provide equitable remedies to mutual savings institutions to defend against individuals acting as a de facto corporation attempting to implement a hostile

takeover of the institution, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. BOREN:

H.R. 1554. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1555. A bill to debar or suspend contractors from Federal contracting for unlawful employment of aliens, and for other purposes; to the Committee on Homeland Security, 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 Mr. CLAY:

H.R. 1556. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. COOPER (for himself, Mr. WOLF, Mr. BOYD, Mr. MOORE of Kansas, Mr. ROSS, Mr. MELANCON, Mr. GORDON of Tennessee, Mr. BOSWELL, Mr. SHULER, Ms. BEAN, Mr. DONNELLY of Indiana, Ms. HERSETH SANDLIN, Ms. GIFFORDS, Mr. MATHESON, Mr. COSTA, Mr. HILL, Mr. KIND, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. CHILDERS, Mr. MINNICK, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. ELLSWORTH, Mr. GRIFFITH, Mr. MICHAUD, Mr. SCHIFF, Mr. KRATOVIL, Mr. CASTLE, Mr. JONES, Mr. BARTLETT, Mr. KINGSTON, Mr. WAMP, Mr. BLUNT, Mr. LATHAM, Mr. INGLIS, Mr. CULBERSON, Mr. EHLERS, Mr. GOHMERT, Mr. BACHUS, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. HELLER, Mr. FLAKE, Mr. TIBERI, Mr. WITTMAN, Mr. GOODLATTE, Mr. CAMPBELL, Mr. HENSARLING, Mr. CARTER, Mr. COLE, Mr. PUTNAM, Mr. STEARNS, and Mr. KIRK):

H.R. 1557. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, 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. COURTNEY (for himself, Mr. SCHIFF, Mrs. CAPPS, Ms. DELAURO, Ms. CLARKE, Mr. LANGEVIN, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. MASSA, Ms. BALDWIN, Ms. ROS-LEHTINEN, Ms. PINGREE of Maine, and Mrs. DAVIS of California):

H.R. 1558. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and 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. MARIO DIAZ-BALART of Florida:

H.R. 1559. A bill to provide for the resolution of several land ownership and related issues with respect to parcels of land located within the Everglades National Park; to the Committee on Natural Resources.

By Ms. ESHOO:

H.R. 1560. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 1561. A bill to amend the Internal Revenue Code of 1986 to provide a standard deduction for the business use of a home; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN:

H.R. 1562. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois:

H.R. 1563. A bill to authorize the conveyance of a portion of the campus of the Illiana Health Care System of the Department of Veterans Affairs to Danville Area Community College of Vermilion County, Illinois; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1564. A bill to designate the headquarters building of the Embassy of the United States in Addis Ababa, Ethiopia, as the ''Mickey Leland United States Embassy Building''; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H.R. 1565. A bill to provide for the issuance of a semipostal in order to afford a convenient means by which members of the public may contribute towards the acquisition of works of art to honor female pioneers in Government service; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. KLINE of Minnesota (for himself and Mrs. BACHMANN):

H.R. 1566. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Minnesota or to house such individuals at such facilities; to the Committee on Armed Services.

By Mr. MEEK of Florida:

H.R. 1567. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 1568. A bill to reauthorize the Community Oriented Policing Services (COPS) program, to reauthorize and rename the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) as the KIDS Act, to provide for funding parity between COPS and the KIDS Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, 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. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FATTAH, Mr. PAYNE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. POLIS of Colorado, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. HONDA, Ms. CLARKE, Mr. ORTIZ, Ms. FUDGE, Ms. LEE of California, and Mr. THOMPSON of Mississippi):

H.R. 1569. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Education and Labor.

By Mr. SPACE (for himself and Mr. BILIRAKIS):

H.R. 1570. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself and Mr. ROGERS of Michigan):

H.R. 1571. A bill to amend title 49, United States Code, to permit certain revenues of private providers of public transportation by vanpool received from providing public transportation to be used for the purpose of acquiring rolling stock, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California:

H.R. 1572. A bill to amend the Internal Revenue Code of 1986 to impose a 90 percent tax on bonuses paid by business that receive TARP assistance; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself, Mr. WELCH, Mr. BLUMENAUER, Ms. GIFFORDS, Mr. LOEBSACK, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 1573. A bill to establish the National Home Energy Savings Revolving Fund within the Department of Energy to provide amounts to units of general local government to make loans to homeowners for qualified home energy audits and certified energy savings improvements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself and Mr. DONNELLY of Indiana):

H.R. 1574. A bill to amend the Act titled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' to allow the acquisition of lands by payment of delinquent taxes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. NADLER of New York, Mr. DELAHUNT, Mr. JOHNSON of Georgia, Mr. PIERLUISI, Ms. FUDGE, and Mr. TONKO):

H.R. 1575. A bill to authorize the Attorney General to limit or recover excessive compensation paid or payable by entities that have received Federal financial assistance on or after September 1, 2008; to the Committee on the Judiciary.

By Mr. CLAY:

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor America's barbers; to the Committee on Oversight and Government Reform.

By Mrs. LUMMIS:

H. Res. 249. A resolution expressing the sense of the House of Representatives that the Department of Veterans Affairs should take full responsibility for financing the health care benefits earned by veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mr. UPTON, Mr. PETRI, Mr. TIBERI, Mr. WALDEN, Mrs. EMERSON, Mr. GERLACH, Mr. DENT, Mr. BARTLETT, Mrs. MILLER of Michigan, Mr. SIMPSON, Mr. AUSTRIA, Mr.

PLATTS, Mr. KIRK, Mr. WHITFIELD, Mr. GOHMERT, Mr. DUNCAN, Mr. DREIER, Mr. REICHERT, Mr. BILBRAY, and Mr. EHLERS):

H. Res. 251. A resolution directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG); to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. RADANOVICH, Mr. PALLONE, Mr. KIRK, Mr. BERMAN, Mr. CANTOR, Mr. MCCOTTER, Mr. ACKERMAN, Mr. ROYCE, Mr. WAXMAN, Mr. SMITH of New Jersey, Ms. WATSON, Mr. BILIRAKIS, Mr. CROWLEY, Mr. SENSENBRENNER, Mr. PAYNE, Mr. SHERMAN, Mr. WU, Mr. SIRES, Mr. DANIEL E. LUNGREN of California, Mr. BARRETT of South Carolina, Ms. ESHOO, Mr. CAPUANO, Mr. WEINER, Mr. HONDA, Mrs. MALONEY, Mr. LANGEVIN, Mr. WALZ, Mr. PETERS, Ms. SUTTON, Mr. COSTA, Mr. LOBIONDO, Mr. FRANK of Massachusetts, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. WOLF, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. CARDOZA, Mr. LIPINSKI, Mr. ABERCROMBIE, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. HIMES, Mr. BACA, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. FATTAH, Mrs. NAPOLITANO, Mr. SPACE, Ms. DELAURO, Mr. RYAN of Wisconsin, Mr. CALVERT, Mr. POLIS of Colorado, Mr. LANCE, Ms. LORETTA SANCHEZ of California, Mr. OLVER, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. GONZALEZ, Mr. CONYERS, Mr. SARBANES, Mr. VAN HOLLEN, Ms. TITUS, Mr. STARK, Mr. JACKSON of Illinois, Mr. KENNEDY, Ms. TSONGAS, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. DREIER, Mr. NUNES, Mr. TONKO, and Mr. TIERNEY):

H. Res. 252. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOREN:

H. Res. 253. A resolution honoring Ms. Lois Burton for setting an example for all women through her influence and dedication to the Choctaw Nation and to improved health care and education in honor of Women's History Month; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, Mr. ROHRABACHER, Mr. HINCHEY, Mrs. MALONEY, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. MCGOVERN, Mr. DELAHUNT, Mr. COURTNEY, Mr. NEAL of Massachusetts, Mr. HOLDEN, Ms. KILROY, Mr. MURTHA, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. SESTAK, Mr. CAPUANO, Mr. ISRAEL, Mr. MCDERMOTT, Mr. MCCOTTER, Mr. TIM MURPHY of Pennsylvania, and Mr. BROWN of South Carolina):

H. Res. 254. A resolution recognizing the designation of March 2009 as Irish American Heritage Month and honoring the significance of Irish Americans in the history and progress of the United States; to the Committee on Oversight and Government Reform.

By Mr. RUPPERSBERGER (for himself and Ms. GRANGER):

H. Res. 255. A resolution expressing support for designation of the month of September as ''National Atrial Fibrillation Awareness Month'' and supporting efforts to educate the public about atrial fibrillation; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself and Mr. EDWARDS of Texas):

H. Res. 256. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the House of Representatives of Maine, relative to H.P. 273, MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOCATE FULL FUNDING FOR THE NATIONAL VETERINARY MEDICAL SERVICES ACT; to the Committee on Agriculture.

11. Also, a memorial of the Senate of Michigan, relative to Senate Resolution No. 6 memorializing the Congress of the United States to tie the federal economic stimulus package distribution to the unemployment rate in each state and to provide that those states with the highest unemployment rates receive a higher percentage of federal funds; to the Committee on Education and Labor.

12. Also, a memorial of the Senate of Kentucky, relative to Senate Resolution No. 76, to enact a federal Menu Education and Labeling (Meal) Act; to the Committee on Energy and Commerce.

13. Also, a memorial of the House of Representatives of Colorado, relative to House Joint Resolution 09-1006 concerning the U.S.S. Pueblo; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced A bill (H.R. 1576) for the relief of Daniel Wachira; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. BACHMANN and Mr. FLEMING.

H.R. 22: Ms. MARKEY of Colorado, Mr. DEAL of Georgia, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. MEEKS of New York, Mr. KLEIN of Florida, and Mr. RAHALL.

H.R. 24: Mr. CARSON of Indiana, Mr. MCCOTTER, Mr. LOBIONDO, Mr. GONZALEZ, Mr. KIND, Mr. PITTS, Mr. TERRY, Mr. LEVIN, Mr. GINGREY of Georgia, Mr. MOORE of Kansas, Mrs. MALONEY, Mr. ISSA, and Mr. TURNER.

H.R. 31: Ms. MCCOLLUM.

H.R. 55: Mr. BLUMENAUER.

H.R. 155: Mr. SCHAUER.

H.R. 174: Ms. MARKEY of Colorado.

H.R. 179: Ms. DELAURO.

H.R. 186: Ms. KILPATRICK of Michigan.

H.R. 211: Mr. MATHESON and Mr. TURNER.

H.R. 235: Mr. MASSA, Mr. KANJORSKI, Mrs. LOWEY, Mr. SHUSTER, Mr. MARSHALL, Ms. SLAUGHTER, Mr. KILDEE, Mr. PETERSON, Mr. UPTON, and Mr. DONNELLY of Indiana.

H.R. 270: Mr. BISHOP of Georgia.

H.R. 388: Ms. HIRONO.

H.R. 392: Mr. MCCOTTER, Mr. TURNER, and Mr. THORNBERRY.

H.R. 463: Mr. JACKSON of Illinois, Mr. PASTOR of Arizona, and Mr. SCOTT of Virginia.

H.R. 475: Mr. PETERSON.

H.R. 509: Ms. BORDALLO.

H.R. 510: Mr. PAUL, Mr. LATTA, and Mr. YOUNG of Alaska.

H.R. 560: Mr. ALEXANDER.

H.R. 564: Mr. GRIJALVA, Mr. CARSON of Indiana, Mr. CARNAHAN, and Ms. LEE of California.

H.R. 579: Ms. HIRONO.

H.R. 622: Mr. DAVIS of Alabama.

H.R. 658: Mr. BOCCIERI and Mr. ARCURI.

H.R. 666: Mr. PETERSON and Mr. BACA.

H.R. 667: Mrs. EMERSON and Mr. DELAHUNT.

H.R. 676: Mr. LEWIS of Georgia and Mr. BECERRA.

H.R. 699: Mr. LEWIS of Georgia.

H.R. 734: Mrs. CAPPS, Mr. COURTNEY, Mrs. BIGGERT, Mr. CRENSHAW, Mr. WU, and Mr. KENNEDY.

H.R. 745: Mr. WOLF, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Ms. ROYBAL-ALLARD.

H.R. 775: Mr. CRENSHAW, Mr. MICA, and Mr. BONNER.

H.R. 795: Mr. MARSHALL and Mr. MCINTYRE.

H.R. 804: Mr. HINOJOSA, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas.

H.R. 816: Mr. GINGREY of Georgia, Mr. DAVIS of Kentucky, Mr. MCCOTTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 859: Mrs. HALVORSON and Mr. THOMPSON of Pennsylvania.

H.R. 864: Mr. HOLDEN.

H.R. 885: Mr. MURPHY of Connecticut and Mr. KIND.

H.R. 906: Mr. POLIS of Colorado.

H.R. 929: Mr. TEAGUE.

H.R. 948: Ms. JACKSON-LEE of Texas.

H.R. 968: Mr. BURGESS and Mr. DAVIS of Tennessee.

H.R. 997: Mr. HARPER.

H.R. 1018: Ms. BORDALLO and Mrs. MALONEY.

H.R. 1029: Mr. MCMAHON and Mr. DONNELLY of Indiana.

H.R. 1030: Mr. GORDON of Tennessee.

H.R. 1059: Mr. WAMP, Mr. COOPER, and Mr. DAVIS of Tennessee.

H.R. 1064: Mr. MURPHY of Connecticut and Mr. HOLT.

H.R. 1066: Ms. NORTON, Mr. MCMAHON, Mr. SABLAN, Mr. SARBANES, and Ms. LEE of California.

H.R. 1067: Mr. BROWN of South Carolina and Mr. STUPAK.

H.R. 1084: Mrs. MYRICK.

H.R. 1179: Mr. SIRES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HONDA, Mr. LANGEVIN, Mr. WALZ, Mr. MCHUGH, and Mr. PLATTS.

H.R. 1189: Mr. BOREN.

H.R. 1205: Mr. EHLERS, Mr. THOMPSON of California, Mr. ANDREWS, Mr. DREIER, and Mr. COHEN.

H.R. 1207: Mr. BUCHANAN and Mr. CASTLE.

H.R. 1209: Mr. MANZULLO, Mr. MURTHA, and Mr. ROGERS of Michigan.

H.R. 1210: Mr. WITTMAN, Mr. SCHIFF, and Ms. SCHWARTZ.

H.R. 1254: Mr. BRADY of Pennsylvania.

H.R. 1256: Mr. BISHOP of New York and Mr. LANGEVIN.

H.R. 1264: Mr. BISHOP of New York, Mr. DAVIS of Alabama, and Mr. BONNER.

H.R. 1283: Mr. ARCURI, Ms. RICHARDSON, Mr. SCOTT of Virginia, and Mr. TONKO.

H.R. 1289: Mr. SIRES, Ms. KILROY, and Mr. CARSON of Indiana.

H.R. 1303: Mr. PAYNE, Ms. JACKSON-LEE of Texas, and Ms. KILPATRICK of Michigan.

H.R. 1308: Mr. BLUMENAUER, Ms. BORDALLO, Mr. CONNOLLY of Virginia, Mr. ELLSWORTH, Mr. HINCHEY, Mr. ISRAEL, Mr. LUJÁN, Mr. SABLAN, and Mr. TOWNS.

H.R. 1313: Mr. BLUMENAUER, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, and Mr. MCNERNEY.

H.R. 1326: Mr. MARKEY of Massachusetts, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Ms. BERKLEY, and Mr. FILNER.

H.R. 1332: Mr. ADLER of New Jersey.

H.R. 1339: Mr. MICHAUD and Ms. ROS-LEHTINEN.

H.R. 1346: Mr. FOSTER and Mr. SCHAUER.

H.R. 1349: Mr. DONNELLY of Indiana.

H.R. 1360: Mr. BRADY of Pennsylvania, Mr. STARK, Ms. SCHAKOWSKY, Ms. KILROY, Ms. SHEA-PORTER, and Mr. ARCURI.

H.R. 1361: Mr. BISHOP of Georgia.

H.R. 1362: Ms. KILPATRICK of Michigan, Mr. HINOJOSA, Ms. ESHOO, Mr. WALDEN, Mr. JONES, and Mr. BOSWELL.

H.R. 1405: Mr. SIRES, Mr. BLUMENAUER, Mr. HONDA, Mr. RYAN of Ohio, and Ms. FUDGE.

H.R. 1409: Mr. COHEN.

H.R. 1414: Mr. HARPER.

H.R. 1429: Mr. RANGEL, Mr. BISHOP of Georgia, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.

H.R. 1460: Mr. HOLT.

H.R. 1466: Mr. GUTIERREZ, Mr. PAYNE, and Mr. GRIJALVA.

H.R. 1472: Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, and Mrs. BACHMANN.

H.R. 1479: Mr. HASTINGS of Florida and Mr. ELLISON.

H.R. 1499: Ms. MATSUI and Ms. DEGETTE.

H.R. 1509: Mr. PAUL and Mr. WESTMORELAND.

H.R. 1511: Mr. CONYERS.

H.R. 1518: Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. PERRIELLO, Mr. HIGGINS, Mr. ARCURI, Ms. BERKLEY, Mr. HILL, Mr. CLEAVER, Mr. TAYLOR, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. KAGEN, Mr. KLEIN of Florida, Mr. GEORGE MILLER of California, Mr. ROSS, Mr. SCHIFF, Mr. CARNAHAN, Mr. HOLT, Mr. MAFFEI, Ms. DELAURO, Mr. BISHOP of New York, Ms. HIRONO, Mr. HARE, Mr. KILDEE, Mr. MORAN of Virginia, and Mrs. DAHLKEMPER.

H.J. Res. 39: Ms. TITUS, Mr. RYAN of Ohio, Mr. CARTER, Mr. FATTAH, Mr. GALLEGLY, Mr. BACHUS, Mr. ALTMIRE, Mr. PAYNE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. MCMAHON, Mr. SPACE, Mr. ENGEL, Ms. TSONGAS, and Mr. GARRETT of New Jersey.

H. Con. Res. 18: Mrs. BACHMANN.

H. Con. Res. 55: Mr. FARR, Mr. JONES, Mrs. MCCARTHY of New York, and Mr. BISHOP of New York.

H. Con. Res. 59: Mr. KLEIN of Florida.

H. Con. Res. 60: Mr. MCCOTTER, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. BOREN.

H. Con. Res. 63: Mr. GRIJALVA.

H. Res. 20: Mr. CALVERT.

H. Res. 69: Mr. FARR.

H. Res. 101: Mr. LOEBSACK and Mr. ARCURI.

H. Res. 130: Ms. FUDGE.

H. Res. 156: Mr. SMITH of New Jersey.

H. Res. 171: Mr. SIRES, Mr. CROWLEY, Mr. PRICE of North Carolina, Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. CARSON of Indiana, and Mrs. MYRICK.

H. Res. 185: Mr. KRATOVIL, Mr. SCHOCK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 211: Mrs. CAPITO and Mr. POE of Texas.

H. Res. 214: Mr. LEE of New York, Mr. HUNTER, Mr. MCHENRY, Mr. MCCARTHY of California, Mr. KINGSTON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROE of Tennessee, Mr. CHAFFETZ, Mr. LANCE, Mr. HARPER, Mr. BONNER, Mr. BAIRD, Mr. MCMAHON, Mrs. DAHLKEMPER, Mr. KRATOVIL, Mr. DUNCAN, Mr. CARTER, Mr. THOMPSON of Pennsylvania, Mr. COFFMAN of Colorado, Mr. POSEY, Mr. LATTA, Mr. AUSTRIA, Mr. UPTON, Mr. CASTLE, Mr. KISSELL, and Ms. MARKEY of Colorado.

H. Res. 215: Ms. MATSUI, Mr. WU, Ms. BORDALLO, Mr. GRIJALVA, Ms. HIRONO, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ZOE LOFGREN of California.

H. Res. 223: Mr. POSEY, Mr. KING of Iowa, Mr. ETHERIDGE, and Mr. COBLE.

H. Res. 234: Mrs. MCMORRIS RODGERS, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. SCHIFF, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. BEAN, Ms. BALDWIN, Mr. ARCURI, and Mr. CARNEY.

H. Res. 244: Mr. BURTON of Indiana, Mr. EHLERS, and Mr. KING of New York.

PETITIONS, ETC.

Under clause 3 of rule XII,

18. The SPEAKER presented a petition for the Legislature of Rockland County, New York, relative to Resolution No. 12 of 2009—Expressing Support for Israel, Recognizing Israel's Right To Defend Itself Against Attacks From Gaza, And Supporting The Israeli-Palestinian Peace Process; which was referred to the Committee on Foreign Affairs.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, MARCH 17, 2009 *No. 46*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of the nations, we come as we are today into Your sacred presence. Lord, we feel unworthy of Your mercy and grace and long to please You by living to honor Your Name. Some of us are cornered by temptation, others are deep in grief, and still others are anxious about tomorrow. Supply our very needs according to the riches of Your powerful providence.

In a special way, sustain our Senators. Help them to cast their burdens on You because You know all about them and have the power to answer even before they call. Remind them that You desire to hear their prayers more than they long to be heard. May they remember Your promise to keep them from stumbling and slipping.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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,
Washington, DC, March 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be an hour of morning business, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches.

SENATE AGENDA

Mr. REID. Madam President, as a result of a number of conversations with various people last night, I think we are at a point where we should shortly be able to enter into an agreement to complete H.R. 146. Senator COBURN is going to offer six amendments. We are going to agree on a time for those amendments. We have the subject matter, and staff is going to work out the—I am told the legislative language has been drafted on the bills, so it seems to me we should be in a position to move forward. With the six amendments, we should be able to finish the legislation without a lot of heavy lifting tomorrow—maybe early tomorrow—which would allow us to do some nominations and get some of those done before we leave here. So I hope that will work out. We are not there yet, but I think we are very close.

I had a meeting this morning with Senator BINGAMAN. He understands the subject matter of the amendments—he being the chair of the Energy Committee, which has the jurisdiction of everything in this bill—so that should take care of that matter.

I note 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. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AIG BONUSES

Mr. MCCONNELL. Madam President, over the weekend we learned the extent of the bonuses being paid to some of the same people at AIG who got this company in the position it is in. Many of us on both sides of the aisle expressed absolute outrage that these bonuses could be paid. Yesterday, the White House joined that chorus and promised to do everything possible to get the taxpayers' money back. Well, we certainly appreciate those efforts. However, it could have been handled a little differently. It would have been better if this pledge had included action 2 weeks ago. Just 2 weeks ago, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Treasury agreed to give AIG another $30 billion in taxpayer money—just within the last 2 weeks. For example, wouldn't the Treasury and the taxpayer have had more leverage over AIG's executive contracts before providing another $30 billion in tax money for them? Once that money was handed over to AIG, the leverage was lost. That would have been the perfect time to make sure this didn't happen.

It is my hope the Treasury will be vigilant in safeguarding taxpayer funds from here on. I certainly expect them to look for every possible legal way to live up to the pledge made yesterday on behalf of the taxpayers of the United States.

GUANTANAMO BAY

Mr. MCCONNELL. Madam President, a lot has been written over the past several days about the inmates at Guantanamo, and none of it makes the administration's decision to shut this facility down by the end of the year any less challenging than it already was. This is an issue which has grave implications for our Nation's security, and we really need to get it right. So this morning, I wish to spend a few minutes explaining why the administration would do well to reconsider its approach to Guantanamo, an approach that looks even hastier now than when it was first announced back in January.

One of the most obvious problems the administration faces on this issue is what to do with these inmates once Guantanamo is closed. This is not a new concern. Ever since the United States started using Guantanamo as a detention facility after the invasion of Afghanistan, Government officials and legal thinkers have tried to come up with ways of dealing with enemy combatants who don't fall into the traditional categories of war. No one denies that the United States is legally entitled to capture and to hold enemy fighters to prevent them from returning to battle, but their release and repatriation have proved to be extremely complicated. As the years have passed, these questions have become even more complicated—not less—than they were back in 2001.

Just this week, a number of European countries that had previously offered to help the administration find a new home for about 60 of the remaining 241 inmates at Guantanamo began to backpedal. Some of these countries now indicate they won't take any of these inmates unless the United States agrees to take some of them as well and agrees to put them in American prisons. This is clearly a dodge since the American people appear to be even less interested in housing these inmates than the Europeans are. Well, if there is no place for these terrorists to go in Europe and no place for them to go in the United States, an obvious question arises: Where else can they go? At the moment, there is no answer to that most important question.

When the question of sending detainees to U.S. soil was put to the Senate in the summer of 2007, the vote against it was 94 to 3. We had that vote right here in the Senate in the summer of 2007, and by a vote of 94 to 3 Members of the Senate said they did not want these Guantanamo prisoners on U.S. soil. This is not only a good reflection of where public opinion is on the issue, it is also notable that four of the votes cast were Senators from Kansas and Colorado, States that are most often mentioned as possibilities to house the inmates. One of these Senators, Ken Salazar, is now in the Obama administration, and former Kansas Governor Kathleen Sebelius, who also opposes sending inmates to Kansas, is the administration's pick to head the Department of Health and Human Services. So the bottom line here is that it is hard to find anyone anywhere, even inside the Obama administration, who wants their State to become the next home to captured violent terrorists.

Now, there is a reason no one wants to have these guys nearby. Over the years, the pool of prisoners at Guantanamo has become only more dangerous, not less, and those who remain include dozens of proud and self-proclaimed—proud and self-proclaimed—members of al-Qaida. Many have been directly linked to some of the worst terrorist attacks in history, including some who had direct knowledge—direct knowledge—of September 11. Others have trained or funded terrorists, made bombs or presented themselves as potential suicide bombers.

We recently got a vivid glimpse into the minds of these men when a number of them responded in writing to the Government's charges against them. Here are some of the excerpts from the document which was signed by five men whose names appear on the chart right behind me:

With regard to these nine accusations that you are putting us on trial for—

So said one of the terrorists—

to us, they are not accusations. To us, they are badges of honor which we carry with pride . . . therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion.

Later on, these men refer to the September 11 attacks as ''the blessed 11 September operation.''

Toward the end of the document, they make a statement and a prediction. Here is what they said:

We ask to be near to God, we fight you and destroy you and terrorize you. . . . your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. . . . so we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise. . . .

One of the most chilling statements in the document is the simple assertion by these men, quoted on the chart behind me:

We are terrorists to the bone.

''We are terrorists to the bone.''

This is how they see themselves. These are the men the administration wants to release from Guantanamo?

Not only are most of the remaining inmates at Guantanamo extremely dangerous, they are also increasingly likely to return to battle if they are transferred back to their home countries. According to Pentagon reports, detainees who have been released from Guantanamo appear to be reengaging in terrorism at higher rates, with the current rate of those either suspected or confirmed of reengaging in terrorism at about 12 percent. About 12 percent of those who have been released are back in the fight.

More than a third of the detainees who have already been released were from Saudi Arabia, which has its own detention and rehabilitation system. But our confidence in that system has been shaken by recent reports that Saudi detainees who returned home have gone back to fighting.

Last month, two Saudis who were released from Guantanamo and who passed through the Saudi rehabilitation program appeared in a video as members of al-Qaida in Yemen. One of them, Ali al-Shihri, is thought to have been involved in a deadly bombing on the U.S. Embassy in Yemen last September.

Al-Shirhi was released to Saudi Arabia from Guantanamo in 2007.

Even more worrisome than the Saudi detainees, however, is the prospect of releasing Yemeni detainees to Yemen since Yemen has shown little ability to control even the most dangerous terrorists we release. Of the 100 Yemenis who remain at Guantanamo, about 15 have been cleared for transfer to Yemen. Another 15 may face trial in the United States. Some of the remaining Yemenis could go to Saudi Arabia, but the Yemeni Government is protesting the move.

Other inmates who have been released have shown up on the battlefield in places like Pakistan and Iraq. One former inmate from Kuwait traveled to Syria after his release, snuck into Iraq, and plotted attacks against U.S. forces there. He eventually drove a truck packed with explosives into a joint American and Iraqi military training camp, blowing himself up, and killing 13 Iraqi soldiers.

Each one of these concerns is serious enough to warrant a reconsideration of the administration's decision to close the detention facility at Guantanamo Bay. Taken together it is hard to imagine the administration is not already having second thoughts. Of the alternatives that have been considered, some, like a transfer of detainees to Europe, may no longer be viable.

But even if these inmates were sent to Europe, one all-important question would remain: What then? Will they be released? With a recidivism rate now hovering around 12 percent, this is a risk that is simply too dangerous to take—especially when it only takes

one terrorist to inflict unimaginable horror.

According to the European Union's own rules, a detainee who is released within a 25-nation area within the EU is free to move about these countries without even a passport check. A member of al-Qaida who is sent to Europe and subsequently released could easily reenter a transnational terrorist network—and the recidivism rate suggests that this is not at all unlikely.

Guantanamo itself, on the other hand, has proven to be a completely secure facility: in more than 7 years of use, not a single prisoner has escaped Guantanamo to maim or kill a single innocent person. Let me repeat that: in the more than 7 years that we have used Guantanamo as a detention facility, not a single prisoner out of the roughly 800 who have been housed there has escaped to maim or kill a single innocent person.

No one has credibly argued that the inmates are poorly treated: three meals a day, a full library or books, magazines, and DVDs, and medical care that is said to be excellent. Indeed, one European official who visited in 2006 called Guantanamo ''a model'' prison and better than the ones in Belgium. This is not Abu Ghraib.

Attorney General Eric Holder is in charge of the review of the detention facility at Guantanamo Bay. He captured the dilemma over Guantanamo after a recent trip there when he offered a glowing report on the facility, said the prisoners were being treated well—and then reiterated the administration's intent to close it within the year. On some level, the Attorney General must realize how illogical this seems. If he doesn't, then for the sake of the safety of the United States and its citizens, it is my hope that he realizes it before the end of the year.

President Obama was right and courageous to rethink an artificial deadline on withdrawing U.S. forces from Iraq. As we approach another artificial deadline, it is my hope that he rethinks this decision irrespective of what they may think in certain European capitals. Any shift in our policy on these detainees must meet a simple test: Will it keep us as safe as Guantanamo has from men like the ones whose names appear behind me? If the answer is no, then the policy we have is best. At the moment, the only safe option is to keep the inmates at Guantanamo in one place—and that's right where they are.

Mr. President, I ask unanimous consent to have printed in the RECORD the court order to publish the Islamic Response to the Government's nine accusations and the Response itself.

UNITED STATES OF AMERICA v. KHALID SHEIKH MOHAMMED, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDULAZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI

D–101—Commission Order Regarding Pro Se Filing: ''The Islamic Response to the Government's Nine Accusations''

1. On 5 March 2009, the Commission received and reviewed in chambers D–101, an unclassified document titled ''The Islamic Response to the Government's Nine Accusations'', filed pro se by the above named Accused.

2. The Commission directs that copies of this pleading be served upon the prosecution and defense counsel of record, to include stand-by counsel. The Commission further directs the pleading be provided to the Clerk of Court for immediate public release.

3. As this pleading seeks no specific relief, no responses are required by either the prosecution or defense.

4. The Clerk of Court is directed to have this order translated into Arabic and served upon each of the Accused

So Ordered this 9th day of March, 2009:

STEPHEN R. HENLEY,
Colonel, U.S. Army,
Military Judge.

UNITED STATES OF AMERICA vs. KHALID SHEIKH MOHAMMED, WALID BIN 'ATTASH, RAMZI BIN AL SHIBH, 'ALI 'ABD AL-'AZIZ 'ALI, MUSTAFA AHMED AL-HAWSAWI

THE ISLAMIC RESPONSE TO THE GOVERNMENT'S NINE ACCUSATIONS''

In the Name of Allah, the Most Merciful, the Most Compassionate

The 9/11 Shura' Council

Many thanks to God who revealed the Torah, the Bible, and the Quran, and may God praise his messenger, the prophet Mohamed, so that he causes mercy to the two realms. Also, may God praise the prophet's household, his entire companionship, and his followers until judgment day.

With regards to these nine accusations that you are putting us on trial for; to us, they are not accusations. To us they are badges of honor, which we carry with pride. Many thanks to God, for his kind gesture, and choosing us to perform the act of Jihad for his cause and to defend Islam and Muslims. Therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion. These actions are our offerings to God. In addition, it is the imposed reality on Muslims in Palestine, Lebanon, Afghanistan, Iraq, in the land of the two holy sites [Mecca and Medina, Saudi Arabia], and in the rest of the world, where Muslims are suffering from your brutality, terrorism, killing of the innocent, and occupying their lands and their holy sites. Nevertheless, it would have been the greatest religious duty to fight you over your infidelity. However, today, we fight you over defending Muslims, their land, their holy sites, and their religion as a whole.

The following is our Islamic response back to your nine untenable, just like a spider web, accusations:

First, ''the conspiracy accusation'':

This is a very laughable accusation. Were you expecting us to inform you about our secret attack plans? Your intelligence apparatus, with all its abilities, human and logistical, had failed to discover our military attack plans before the blessed 11 September operation. They were unable to foil our attack. We ask, why then should you blame us, holding us accountable and putting us on trial? Blame yourselves and your failed intelligence apparatus and hold them accountable, not us.

With regards to us, we were exercising caution and secrecy in our war against you. This is a natural matter, where God has taught us in his book, verse 71 from An-Nisa: ((O you believers! Take your precautions, and either go forth (on an expedition) In parties, or go forth together.))

Also, as the prophet has stated: ''War is to deceive.''

With regards to the second. third, and forth accusations: ''Attacking civilians.'' ''Attacking civilian objects.'' and ''deliberately causing grave bodily harm'':

We ask you; who initiated the attacks on civilians? Who is attacking civilian objects? And who is causing grave bodily harm against civilians? Is it us, or is it you?

You are attacking us in Palestine and Lebanon by providing political, military, and economic support to the terrorist state of Israel, which in turn, is attacking unarmed innocent civilians. In addition, Israel attacks Palestinian and Lebanese civilian objects by bombing them and destroying them. Furthermore, Israel is causing grave bodily harm by using weapons that are forbidden internationally, such as: cluster bombs in Lebanon and the rubber and live ammunitions in Palestine and breaking bones of Palestinian children. Moreover, the Israeli criminal list is long and endless, against civilians in Lebanon and Palestine.

In addition, was it not you that attacked an entire population in Iraq, destroying civilian targets and its infrastructure? Was it not you that has killed one million Iraqi children caused by your oppressed economic sanctions, which you imposed after the first Gulf War?

In fact, it was you who had wiped out two entire cities off the face of the earth and killed roughly half a million people in a few minutes and caused grave bodily harm by nuclear radiation? Did you forget about your nuclear bombs in Hiroshima and Nagasaki?

You are the last nation that has the right to speak about civilians and killing civilians. You are professional criminals, with all the meaning the words carry. Therefore, we will treat you the same. We will attack you, just like you have attacked us, and whomever initiated the attacks is the guilty party.

In God's book, verse 193, Al-Baqara, he states: ((The sacred month is for the sacred month, and for the prohibited things, there Is the law of equality. Then, whoever transgresses the prohibition against you, you transgress likewise against him.))

God stated, in verse 179, Al-Baqarah: ((And there is (a saving of) life for you in Al-Qisas (The law of equality in punishment), O men of understanding, that you may become A-Muttaquin (the pious).))

God also stated, in verse 40, Al-Shura: ((The recompense for an evil is an evil like thereof.))

In verse 45, Al-Maida: ((Life for life, eye for an eye, nose for a nose, ear for an ear, tooth for a tooth, and wounds equal for equal.))

In verse 193, Al-Baqara: ((. . . Let there be no hostility except to those who practice oppression.))

With regards to accusations five and six. ''Crimes in violation of the law of war.'' and ''Destroying property in violation of the law of war'':

Who is breaking the law of war in this world? Is it us, or is it you? You have disobeyed all heaven and earth's laws of war, to include your own laws.

You have violated the law of war by supporting the Israeli occupation of Arab land in Palestine and Lebanon, and for displacing five million Palestinians outside their land.

You have supported the oppressor over the oppressed and the butcher over the victim.

Also, you have violated the law of war by attacking an independent sovereign Arab nation with your first crusade campaign in 1991. By force, you have occupied the Arabian Peninsula and the Gulf. In addition, today, you are occupying Iraq and Afghanistan.

Also, you have violated all laws of war, and in particular, your treatment of Prisoners of War, in Afghanistan and Iraq. We are the best example of such violations and your ''Black Sites'' for torturing prisoners. This, and with your ''Abu-Ghurayb'' prison in Iraq. Guantanamo camps are witness to all of that.

So, you are the first class war criminals, and the whole world witnesses this. You have no values and ethics and no principles. You are a nation without a religion. On the other hand, we are a great nation, with a great religion, values, ethics, and principles, which we comply with and follow, and we invite people to following our ways. History will testify on our actions. You should look back at Salah Al-Din and how ethically he treated your crusader ancestors that were prisoners to him.

We fight you to defense our nation, our religion, and our land. All heavenly and earthly laws guarantee our rights to do so. We, Muslims, are content with God's book, the Quran, to fight you with. God has granted us to fight, in verse 39, Al-Hajj: ((To those against whom war is waged, permission is given (to fight,) because they are wronged and verily, Allah is most powerful for their aid.))

God stated in his book, verse 190, Al-Baqara: ((And fight in the way of Allah those who fight you, but be not the transgressor, Allah likes not the transgressors.))

With regards to the seventh accusation, ''Hijacking and/or endangering a vessel or an aircraft'':

In return, we ask you: Which is more dangerous; Hijacking and/or endangering a vessel or an aircraft, or endangering an entire population with a military occupation, killing and endangering innocent civilians by starving them with an economic sanction?

If you do not respect the innocent in our countries, then we will do the same, by exposing you to danger and hijacking in the air, at sea, and land.

In God's book, he ordered us to fight you everywhere we find you, even if you were inside the holiest of all holy cities, The Mosque in Mecca, and the holy city of Mecca, and even during sacred months.

In God's book, verse 9, Al-Tawbah: ((Then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush.))

Remember, that you are the ones who attacked the Iranian civilian aircraft, flight 655, in 1988 with your Cruise missiles over the Hermuz straights, killing all of its 290 passengers, among them 66 children. They are still shedding tears today over your victims. Does your blood have a value and the blood of Muslims not?

With regards to the ''Terrorism'' accusations:

Who are the real terrorists? Is it us, or is it you? America is the terrorist country number one in the world. Is has nuclear weapons of mass destruction, and the hydrogen bombs, and the biological weapons, and its ocean fleets are around the world, threatening countries' security and safety and any country that is not subjected to its oppressed will.

In addition, America is the main shepherd of the main support to the Israeli terrorism against Muslims in the occupied state of Palestine, and also support and bond with the terrorist governments of the Arab and Islamic world, which, in turn, oppress and suppress their own people that are calling for freedom, and the application of Islamic law.

We do not possess your military might, not your nuclear weapons. Nevertheless, we fight you with the almighty God. So, if our act of Jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs.

God stated in his book, verse 151, Al-Umran: ((Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; There place will be the fire; and evil is the home of the wrongdoers.))

God also stated in his book, verse 60, Al-Anfal: ((Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the heart of the enemies of Allah and your enemies.))

Also, God has informed us, in his book, of what is in your heart from fear and terror towards us, and that you fear and have been terrorized from us more than God himself. Verse 13, Al-Hashir: ((Of a truth you (Muslims) are more feared in their (the infidels from Christians, Jews, and others) hearts, than Allah. This is because they are men devoid of understanding.))

Therefore, you do not fight us face-to-face, man-to-man. But rather, you fight us from behind roadblocks, trenches, and warplanes, which are thousands of feet in the air.

Your status in Iraq and Afghanistan does not need any further explanation. God has demonstrated to us your mental and your defeated fighting moral status.

God has stated in his book, verse 14, Al-Hashir: ((They fight not against you even together, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not.))

Our prophet was victorious because of fear. At a month distant, the enemy did not hear from him.

So, our religion is a religion of fear and terror to the enemies of God: the Jews, Christians, and pagans. With God's wiling, we are terrorists to the bone. So, many thanks to God.

The Arab poet, Abu-Ubaydah Al-Hadrami, has stated: ((We will terrorize you, as long as we live with swords, fire, and airplanes.))

With regards to the ninth accusation. ''Material support to terrorism'':

America is the number one, and the largest country in the world, in spreading military might and terrorism. Also, America is the principle and greatest supplier to the occupying terrorist state of Israel in Palestine. Also, America supports and finances the terrorist regimes that govern the countries of the Arab world, such as Egypt, Saudi Arabia, and Pakistan.

Nevertheless, we are defending our rights, land, religion, and our oppressed Muslim brethrens around the world. Therefore, we would spend all of our money and properties for this cause. This is not strange, since Muslims are all part of the same Umma.

We will make all of our materials available, to defend and deter, and egress you and the filthy Jews from our countries.

God has ordered us to spend for Jihad in his cause. This is evident in many Quranic verses.

Verse 195, Al-Baqara: ((And spend of your substance in the cause of Allah, and make not your own hands contribute to your destruction, but do good; for Allah loves those who do good.))

We ask to be near to God, we fight you and destroy you and terrorize you. The Jihad in god's cause is a great duty in our religion. We have news for you, the news is: You will be greatly defeated in Afghanistan and Iraq and that America will fall, politically, militarily, and economically. Your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing. We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den. We shall pass over the blades of the sword into the gates of heaven.

So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise.

God is great and pride for God, the prophet, and the believers. . . .

Signed: The 9/11 Shura Council
Khalid Sheikh Mohammed
Ramzi bin As-Shibh
Walid bin 'Attash
Mustafa Ahmed Al-Hawsawi
'Ali 'abd Al-'Aziz 'Ali
Sunday, 3/1/1429h
Guantanamo Bay, Cuba

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I certainly agree with the Republican leader about AIG. If I were in the AIG administration, I would recommend they give back those bonuses. Remember, we as a Congress are not defenseless. We can also do things. Senator BAUCUS, chairman of the Finance Committee, is going to make a proposal that will certainly send a message to the people at AIG and others who try to benefit from the hardships the American people face. So in the next 24 hours, you will hear from the chairman of the Finance Committee, Senator BAUCUS, that AIG's recipients of these bonuses will not be able to keep all their money. That is an understatement.

Also, regarding Guantanamo, I think we should not make this a political issue. JOHN MCCAIN has come out in favor of this. ''I think that it's a wise move,'' MCCAIN said about closing Guantanamo Bay. So this is something President Obama is not out there alone on.

AMERICA'S ECONOMY

Mr. REID. Madam President, 8 years of greed and negligence have left our country with the worst economic crisis since the Great Depression. President Obama took office in an economic climate that no President would relish: staggering job loss, the largest national debt in history, a frozen credit market, major banks teetering on the edge of insolvency, a record foreclosure rate forcing millions of families to lose their jobs and their homes, a stock market in freefall, leaving senior citizens to put retirement on hold and putting the economic security of millions more at risk.

The first job of any doctor is to stabilize a patient. In the first 2 months of

his administration, President Obama has started to stop the bleeding and begun to heal our economy. The cornerstone of the President's near-term plan to end the freefall he inherited is the Economic Recovery Act, which will save and create 3.5 million jobs, while making critically needed investments in roads, bridges, tunnels, education, health care, and energy.

President Obama, along with Democrats in Congress, understands that as deep as our immediate problems may be, the worst mistake we could make is to stop investing for the future.

That is why the President's budget proposal lays the groundwork for an economy that just doesn't recover in the short term but also prospers in the long term. That starts with ending the previous administration's era of passing the buck, refusing to make tough choices, to plan for the future, or to hold anyone accountable for greed and corruption.

There will be no accounting tricks in the Obama budget. There will be honesty, accountability, lower taxes for working families, smart investments for a long-term prosperity that reaches beyond the privileged to lift up the middle class.

One of the most critical investments we can make today is in a new national energy policy that finally begins to end our addiction to oil. Since the first Model-T Ford left the assembly line more than 80 years ago, the risks associated with oil consumption have been known. Today, we face a three-pronged oil crisis threatening our economy, our national security, and our environment.

After years of writing bigger and bigger checks to foreign nations for more and more barrels of oil, this budget finally takes the logical approach that all Americans understand: We need to reduce our consumption, and we need to find new renewable sources of clean energy that we can grow, creating hundreds of thousands of good jobs right here at home.

We must make these investments now and, if we do, we will not only accomplish those goals but also lower future energy bills for every single American consumer, and we will save money for all middle-class families.

Remember, last year, we spent, buying oil from foreign nations, about a half trillion dollars, which is money that should have stayed at home. That is why President Obama is proposing a market-based cap on carbon pollution to drive production of renewable fuels and energy-efficient technology and reward companies that lead the way.

This budget will also invest $15 billion a year to develop the renewable sources of energy that lie literally all around us—in the Sun, the wind, and just beneath the Earth in geothermal. All across America, the work of tapping these plentiful energy sources is underway.

In Pennsylvania, renewable energy has sparked more than $1 billion in private investment. In Iowa, shuttered factories have reopened to build parts for wind turbines. In Nevada, a State called the ''Saudi Arabia of renewable energy,'' we already have enough renewable energy projects in operation to heat and cool hundreds of thousands of homes—without a drop of oil.

If we make renewable energy a priority in this budget, these projects will just be the beginning. The solar power in Nevada and the desert Southwest alone could meet our entire energy needs 7 times over—the needs of this country.

The wind energy in the Great Plains, the Midwest, and off both of our coasts is similarly abundant. The potential for geothermal energy—still largely untapped—is staggering.

Until recently, all of these outstanding projects have been moving forward with little, if any, Federal support. Our landscape is dotted with renewable energy projects, but right now we are not connecting the dots. The renewable energy is where people don't live; we need to bring that energy to where people live.

The fact that we are not connecting the dots has to end, and it will end when we begin to invest in a smarter and greener transmission grid that brings renewable energy from the places that produce it to the places that will use it.

We should be catalyzing the work of private sector innovators who are carrying the green revolution on their shoulders. Every job created by a new renewable energy project in California, Utah, Illinois, Nevada, or Iowa is a job that could never be shipped overseas.

Some on the other side may try to protect our country's biggest corporate polluters from cleaning up their act. Some may say that in this time of economic crisis, we should not be investing in our future. Some may criticize the President's budget, yet refuse to offer ideas of their own.

Over the next several weeks, we have the opportunity to engage in a serious and vigorous debate over this budget and the priorities it reflects.

I urge all my colleagues to choose sound policy over sound bites. We may not agree on everything, but I know we can agree that after 8 long years of irresponsibility, we must pass a budget that puts the American people first.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

Mr. REID. Madam 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, what is the order?

The ACTING PRESIDENT pro tempore. The Senate is conducting morning business. The majority controls the next 24½ minutes.

THE BUDGET

Mrs. MURRAY. I thank the Chair.

Madam President, for years, we have talked about the fact that the annual budget process is the truest test of priorities that the President and Congress engage in. For years, I was concerned about the last administration's budgets, and I was very vocal about that—too little investment in America, too many gimmicks, and too much focus on the few and not the many. It was those budgets and the policies they imposed that led us to the challenges we are now facing.

President Obama inherited huge problems not of his own making. That is why his first budget blueprint is such a breath of fresh air. President Obama's budget is both a statement of priorities and a test of our commitment to making our country stronger for all Americans.

Our Nation faces serious challenges now, but it is not a time to shy away from the investments that will ensure our prosperity and our competitiveness in the future. His budget builds the foundation that will make America stronger by investing in health care, energy independence, and education. The President inherited an economic recession and staggering deficits. The shortsighted budgets and policies of the past have left our infrastructure crumbling, our education system falling behind, and the debt of war in the pockets of our grandchildren.

There is no doubt we have to take some serious steps to dig out of this hole. President Obama's budget takes steps to cut our deficit in half and to restore fairness to our tax system. Importantly, after 8 years of gimmicks, this budget is transparent and tells the American people exactly where we are spending our money. The President accounts for war spending and leaves room for natural disasters or other emergencies we might face.

The President has been honest about the challenges that face this country, and now he is being honest about where we need to invest. He has warned Congress and the American people about the sacrifice we all have to make to

move our country forward, and they are many. But he has also been clear that now is the time to continue to invest in health care and energy and education reform to ensure our long-term strength and prosperity.

I come to the floor today to talk specifically about the need to invest in education. Investing in education is one of the most certain ways we can create jobs and strengthen our economy well into the future. Education means economic recovery, and in this global economy a good education is no longer just a pathway to opportunity, it is a prerequisite for success. Ensuring quality education for every American is essential to our future as a nation.

The President and this Congress made a downpayment on that commitment in the Economic Recovery Act we passed last month. That bill meant help for students in Washington State—my State—who are struggling to afford and attend college and students across the country. It means serving more K–12 students' needs. It means the ability to restore the education cuts our States are facing. It means keeping teachers in their jobs and our class sizes down.

Those investments we made in the economic recovery package are going to not only help create jobs, they are going to help our teachers and our parents in our communities keep their jobs while they modernize education for today's students. Those students are going to be tomorrow's highly skilled workforce, so we need to make this investment to stay strong as a nation. That economic recovery bill made a downpayment on our students' future. The next step we have to take is our budget, to help improve education for our kids and for all.

The budget we are going to be seeing puts a long-needed emphasis on preparing students for the jobs of today and tomorrow, with the focus on science, math and technology skills and equipment. It focuses on 21st century skills and early childhood education. It talks about career and technical education and accessing and affording higher education, which includes 2-year colleges and technical training.

So let me talk a minute about the budget and its details. The budget creates a 0-to-5 plan, which will continue to increase funding for Head Start, Early Head Start, and the child care development block grants. It encourages State and local investment in early education to help get information to parents about quality child care programs, including important home visiting programs for parents with young children.

The budget will make important investments in preparing and supporting great teachers and school leaders for our schools. It will allow students to achieve their college dream by making critical funding to raise the Pell grant in this time of need, and it continues the new American Opportunity Tax Credit, which will help families across the Nation afford tuition.

The budget also makes a 5-year, $2.5 billion investment in a new Access and Completion Incentive Fund to ensure that low-income students complete college. We know that only about 50 percent of our students who start a college education in this country complete it. We have to do a lot better than that because almost all of our good-paying jobs today require a credential beyond high school.

I come to the floor today to say that now is not a time to sit back and just worry. Now is a time to be bold and make the critical investments in our country that are so long overdue. Nowhere is this clearer than in education. I applaud the President for making his commitment clear, and I pledge to work with him and every one of my colleagues who are willing to ensure that ours becomes the greatest education system in the world.

Now let me say a word about some of the criticism we have been hearing from our friends on the other side of the aisle. I have heard a lot of talk about this budget ''taxing'' too much. Well, they must be reading a different budget than I am. President Obama's budget would not raise taxes on 95 percent of Americans. I think that is important, so let me say it again. Ninety-five percent of Americans will not see their taxes raised under this plan. In fact, too much of the tax burden in this country is being borne today by our working families, and President Obama is working hard to fix that. Nine of ten working families will see their taxes go down with his budget plan.

The President's Making Work Pay credit—$400 for individuals and $800 for families—is extended under his budget plan. That credit cuts taxes for 95 percent of our working families. It cuts taxes for 95 percent of our working families.

The American Opportunity Education Tax Credit is going to help our families pay for college by providing a $2,500 credit to offset the cost of tuition and related expenses, and it makes the credit partially refundable.

Finally, the budget increases eligibility for the refundable portion of the child credit.

Those are just three ways this administration is focusing on tax relief for those who need it most—our working families. So while we are hearing a lot—and we will continue to hear a lot, no doubt—from our friends on the other side about ''taxing'' too much, it is important that we all look at the facts and not buy into the rhetoric.

After 8 long years of budgets that left our American families behind, I look forward to working with President Obama and a bipartisan group in Congress to move forward and invest in the future strength of this Nation. We have a lot of great challenges ahead, but I believe we can and we will overcome them by working together, making some tough choices, and investing in the best resource we have—the American people.

I yield the floor, and 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. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent the majority's remaining time be preserved and I be allowed to proceed with remarks under the minority time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTOMATIC PAY RAISES

Mr. VITTER. Madam President, I rise again to discuss the issue of automatic pay raises for Members of Congress. As I said in our debate on the omnibus spending bill last week, I think this system of automatic pay raises—pay raises for Members of Congress on autopilot, without the need for any legislation, any debate, any vote—is truly wrong and truly offensive. I believe it is in the best of times, but I believe it is triply wrong and offensive right now as Americans all over our country, who have to work hard in the real world, face dire economic challenges and conditions.

I rise again to urge us to act, to do the right thing, to rebuild confidence among the American people by changing this system and no longer having automatic pay raises for Members of Congress. I proposed doing this as an amendment on the Omnibus appropriations bill. After some difficulty in getting my amendment even recognized and debated and voted on, I finally was able to do that and we had a meaningful debate. We had a vote. It was a close vote. Unfortunately, from my perspective, I fell a little bit short in terms of agreeing to the amendment. It was defeated 52 to 45. But in that process we did have an important debate and several other Members came forward and expressed support for the concept—most notably the majority leader, Senator REID. In fact, the very day after I finally secured a debate and a vote on my amendment, the day after that Senator REID introduced his own freestanding bill to get rid of automatic pay raises, at least after the next one scheduled, and to do away with that process.

Obviously, I completely agree with that concept. That is the whole impetus for my work, along with Senator FEINGOLD of Wisconsin and my other coauthors, Senator ENSIGN and Senator GRASSLEY.

During the debate on this issue, Senator REID went further. He spoke on the floor in support of this effort. He said several things:

I agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that.

In addition, in the same time on the floor, Senator REID said:

If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

Again:

I will bring it up some other time. I am committed to doing this.

I objected to bringing that freestanding bill up then because it clearly would have drained votes in support of my amendment away from my amendment and helped defeat it. In fact, we saw how close that vote was. But now that that vote is over, I applaud Senator REID for his offer:

I will bring it up some other time. I am committed to doing this.

I am here to say that this time, right now, these next 2 weeks, is a perfect ''some other time.'' We are clearly in a bit of a lull in terms of floor activity, this week and next week, before we begin an important debate on the budget. The majority leader is looking for things to take up our floor time. We are clearly in a light period. So what better ''some other time'' than right here, right now? In that spirit, and in the spirit of cooperation to move forward, I sent the majority leader a letter last Thursday and I expressed these thoughts and I asked him to bring up his freestanding bill, or mine, or any freestanding bill to end pay raises for Members of Congress being on autopilot on the Senate floor as soon as possible. As I pointed out, this clearly has support to move this through the process, through the Senate in the near future.

It does not have unanimous support. Any issue such as this never would have unanimous support. But it has the support of over 60 Members of this body.

Why do I say that? It is simple math. On the vote on my amendment I obtained 45 ''yes'' votes. In addition to those 45 votes, there were 20 Members, including the distinguished majority leader, who voted against my amendment, saying that the only reason they were doing that was to not burden the omnibus spending bill with the amendment. They said on the record, they are for the concept and Senator REID introduced a freestanding bill in this body and he has coauthors to that freestanding bill in that number—20. It is simple math. If you add 45 and 20 you come up with 65, well over a filibuster-proof number, well over the 60 votes required to not only move this bill through the Senate but move it through in a fairly expedited, efficient, quick process.

The perfect time is now. We are clearly in 2 weeks of relative lull before the debate on the budget. The majority leader clearly is looking for important business to bring to the floor, particularly since cram-down and other issues are not being brought to the floor this week as planned. What better time to come together in a bipartisan way, to rebuild the confidence of the American people and to get this done, passing it through the Senate. Again:

I will bring it up some other time. I am committed to doing this.

The distinguished majority leader.

Again I ask the majority leader in a spirit of bipartisanship, of cooperation, of reestablishing the confidence of the American people in Congress by doing away with this offensive practice—pay raises on autopilot without debate, without legislation, without a vote, without even a line item in an appropriations bill which we can try to change through amendment—let's change that wrong and offensive practice.

I urge the distinguished majority leader to look at my letter of last Thursday, to consider it carefully, to understand that we have established through his bill, through my vote, 65 votes in support of doing away with this on the Senate floor. So let's act. With 65 votes we can act, we can be successful, and we can do it in a very efficient manner. What better time to do it than right now?

I yield the floor.

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.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. BOXER. What is the order, please?

The PRESIDING OFFICER. There is 7 minutes remaining in morning business.

AIG BONUSES AND THE BUDGET

Mrs. BOXER. Mr. President, I rise to talk about a couple issues. The first is to add my voice to the outrage over the bonuses to people who to say don't deserve it is an understatement. I used to work on Wall Street a very long time ago. You got a bonus when you did something good, when you brought business in, when you did well for the company, not when you brought the company down. It is disgusting, disgraceful. We are hearing outrage from all quarters of society, which means we are going to do something about it. I wanted to make sure I am on the record as saying the bonuses ought to be returned voluntarily and, if not, they ought to be taxed as close to 100 percent as we can get. I will be supporting that.

It is time to change the culture in corporate America. If you are going to turn to taxpayers for help, then don't squander their money. Work to pay it back as fast as you can and get back on your own. It is such an obvious point. I wish to praise the President for being clear on this point.

I also came to talk about the upcoming debate we will be having on the budget. I was a long-time member of the Budget Committee and then moved off to take other assignments. But I have always respected the work of that committee because the budget is truly a roadmap to the priorities of a nation. When we look at a budget, surely there will be certain items in it we may not want to agree with. We may want to trim it here and there. I don't agree with everything in the Obama budget. There are a few I will work to change. In general, at this time when we are suffering so economically, the priorities laid out are good for America and good for the State of California. I wish to talk about a couple of these priorities.

We know the Obama administration inherited an economic nightmare from George Bush's administration: 4.4 million jobs lost in the last 14 months; an unemployment rate that is soaring—in my State it is in double digits—12.5 million Americans unemployed, and a Federal debt that is going upward very quickly.

What is so interesting to me is that when Bill Clinton handed over the keys to the White House to George W. Bush, our budget was actually in a surplus. We actually had discussions in my household about the fact that the debt is going down so fast, we may not have the opportunity to buy any more Treasury bonds. Let's not forget what happened in 8 years. A budget surplus turned into outrageous deficits. The economy took a terrible turn for the worse. The debt began to soar.

Now we have a new President who ran on a platform of change. As I watch my colleagues on the other side of the aisle, save a few, they are fighting for the status quo. My belief is, if you fight for the status quo, that is not a passive act. It is a hostile act. Because the status quo has to change so we can relieve some of the pain in America. What President Obama does with this budget, very wisely, is to continue the economic stimulus he started with his economic stimulus bill.

He focuses on three priorities: education, health care, and clean energy. Everyone knows—and I know my friend in the chair has a young son—what President Obama said is true. Countries that outteach us today will outcompete us tomorrow. His young son and my grandchildren, if they don't get the education they deserve, will not have a chance to get that dream we had the opportunity to get in our generation. For every dollar invested in education, there is a $4 to $9 return in higher earnings, higher employment rates, less crime, less welfare, and in better health. The Obama plan will double the number of children served by Early Head Start and will expand Head Start. He will provide resources

to reward effective teachers and effective principals. He will increase the capacity of our young people to go to college on Pell grants. When we have a President who invests in education, we know we should support him because every dollar we invest comes back ninefold.

Then the President invests in health care. We know the biggest cause of bankruptcy in America is when a family is hit with a catastrophic health problem and they are uninsured or their insurance is capped. We know premiums have grown four times faster than wages in the last 8 years. Our President is going to finally take on the issue of health care. We should stand with him. Does that mean we will support every little thing he recommends? It may not. We may agree on 90 percent. But we will move on health care because not to do so, again, is a hostile act because the current situation is unsustainable. The cost to families today is unsustainable. The fear families have—what if somebody gets a catastrophic illness, what will happen—is unforgivable.

Lastly, we see our President investing in clean energy. What he is doing is looking at the future and recognizing that the old energy is not going to sustain us. If we want to lead the world, we have to do what Thomas Friedman suggests in his book ''Hot, Flat, and Crowded''—step out and invent the new clean energy technologies. In doing that, we will lead the world in green jobs. We will lead the world in exports. If we adopt the cap-and-trade plan that is recommended by our President, we will see a robust economy because, once you put a price on carbon, all the other alternatives come up behind it, and it will lead us out of this economic morass.

I believed it important to come to the Chamber today to speak to these two issues. We cannot abide by the outrageous bonuses in a company led by people who took the company down. We can't abide by that. In addition, we need to work with our new President and bring about the change he promised in his campaign. That change is reflected in his budget.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 146, which the clerk will report by title.

The bill clerk read as follows:

A motion to proceed to the bill (H.R. 146) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE BUDGET AND RECONCILIATION

Mr. GREGG. Mr. President, I listened this morning to President Obama as he spoke on the budget. In attendance with him were the chairmen of the Budget Committees in the Senate and the House, Chairman CONRAD and Chairman SPRATT. Essentially, the President was defending his budget, as proposed and sent up here to the Hill.

His theme was we should not pass on problems to the next generation. Thus, he said, his budget took on the issue of energy and took on the issue of health care as being core questions that need to be resolved now and not be passed on to the next generation. I could not agree with him more—first, that we should not pass on problems to the next generation, and, secondly, we should take on the problems we have today. And they are fairly big.

Where I disagree with him is the conclusion that the budget he sent up here does not pass problems on to the next generation. In fact, it passes the most significant problem on to the next generation, which is that it so greatly expands the size of Government in such a short period of time with so much borrowing that it basically will bankrupt our children and our children's children as a result of the cost of Government going forward.

People do not have to believe me to recognize this. All they have to do is look at the President's budget. In 5 years, the President's budget will double the national debt. In 10 years, the President's budget will triple the national debt. To try to put this in perspective, if you take all the debt the U.S. Government has run up since the beginning of our country—from George Washington all the way through to George W. Bush, that total amount of debt—in 5 years it will be doubled under this budget, as sent up by President Obama.

Now, a lot of that debt that is being run up in the short run I am not going to claim is inappropriate in the sense that it is something that is under his control or that he is responsible for as President. In fact, I agree that we as a nation need to expand our spending as a government in the short run in order to try to address this recessionary period, and specifically to try to stabilize our financial situation, our financial system. I do not happen to agree with the stimulus package which was passed. I do not agree with the omnibus package which was passed. They were both profligate and unfocused, money being spent inappropriately and inefficiently. But I am willing to accept the fact in the short run there has to be a spike in our national debt in order to address this recession.

What is not tolerable, however, is that under this budget, after the short run—after this period from 2008, 2009, say, through 2011, when the recession, by all estimates, will hopefully be over—we will still be running the debt up radically, as sent up by this President. In fact, it doubles in 5 years, but it triples in 10 years, which means there is—I am not aware that a recession in the last 5 years of this budget is being proposed; I certainly hope it is not being proposed, but certainly there is nothing that requires that type of a radical expansion in our debt over that period.

The practical implications of this doubling of the debt are that by the time the budget gets into the year 2013, the public debt of this country will be, as a ratio of GDP, 67 percent of GDP. I suspect when CBO scores the President's numbers at the end of this week it will probably be close to 70 percent of GDP. What does that mean? Well, try to put this in perspective.

Prior to the recession, our public debt—that is the debt held by people such as the Chinese, for example, and the Europeans—our public debt—the debt which we sell to the world in order to finance our Government—was about 40 percent of our gross national product. That is an acceptable level. Most economists will say we can tolerate a debt to gross national product ratio of 40 percent. But when it gets up to around 70 percent, when it gets over 60 percent—when it gets into those numbers—it is not tolerable. You might be able to tolerate it for a little while, for a few years, but you cannot tolerate it for an extended period of time. What the President is proposing is that 67 percent of public debt to GDP ratio—which will be over 70 percent, I suspect, when it is rescored that goes on forever.

In addition, the deficit, beginning in the year 2012, under the President's budget, will be at 3 percent to 4 percent of gross national product. Now, historically, over the last 20 years—prior to the recession—the deficit has been around 2 percent of gross national product. Why is it important to keep that down? Because every time you run a deficit, you add to the public debt. When you get into the 3- to 4-percent range of annual deficits as a percentage of GDP, you are essentially adding so much debt so quickly every year that basically your Government becomes unaffordable. That is the bottom line here.

What happens, as you go into the outyears when you triple the debt and keep the deficit at around 3 percent or 4 percent of GDP the currency starts to be under pressure. The dollar becomes questioned as to its value. People start asking, especially in the international community: Do we dare buy American debt? In fact, you heard, regrettably, the Chinese Premier raise that issue already. If you cannot sell the debt and you cannot finance the Government, you do not have too many choices. You must move to inflation. That is not a good choice for Americans.

So basically what you are putting in place is a structural debt and a structural deficit under the President's proposal which simply is not affordable, which means our children are either going to be overwhelmed by a tax burden or they are going to find a country where inflation is rampant or basically the standard of living has dropped significantly.

Why does this all happen? Well, it happens primarily because under the President's budget he is taking spending up radically. Sure, in the short run that may be acceptable because we are trying to address this recession. But he does not bring spending back down to its historic levels.

This chart I have in the Chamber shows you that the historic level of spending of the Federal Government has been at about 20 percent of gross national product. We have been up and down around 20 percent for years. But under President Obama's proposal, he radically moves the Government to the left, greatly expanding the Government role in all sorts of areas: in energy, in health care, in education. As a result, he takes Federal spending up to 23 percent of gross national product and keeps it there for as far as the eye can see and revenues stay down at about 19 percent, so you have this big structural deficit in here.

Even if you were to take revenues up to 23 percent of gross national product, the practical effect would be that you would be wiping out most people's incomes with taxes. The President says he is only going to raise taxes on the wealthiest in America. That, first, is inaccurate because he has put in this proposal a massive carbon tax, which is basically a national sales tax on electricity, and every time you turn on your electric lights, you are going to end up with a new tax, a new national Federal tax. But independent of that, he cannot get this debt under control with this type of spending level unless he radically increases the tax burden on working Americans—all Americans—to a point where basically productivity would drop significantly in this country, and that would be a self-fulfilling event, of course. Once productivity drops, your revenues drop, and you never get back to an efficient marketplace and, therefore, you probably aggravate the deficit.

But the problem is, this huge debt he is running up and passing on to the next generation—this tripling of the Federal debt, about which he says: We do not pass problems on to the next generation—this is a pretty darn big problem that is being passed on to the next generation—is driven almost entirely by spending, spending at the Federal level, which he greatly expands.

Under the proposal which he has put forward as a blueprint—this budget proposal—his way of solving the health care problem is to essentially nationalize health care. His way of solving the educational problem is to essentially nationalize the student loan program. His way of solving the energy problem is not to produce more energy in America, it is basically to significantly increase the cost of energy in America to all Americans by putting in place a carbon tax, which is a national sales tax.

His way of addressing the issues which we confront, which are reasonable, philosophical approaches, is to significantly increase the size of Government and, thus, the cost of Government and, thus, to create this huge debt, this massive debt, which we are not going to be able to finance and which is, therefore, going to threaten the economic strength of our Nation and clearly give our children something less than we received. Therefore, when he says he is not going to pass the problems on to the next generation, the exact opposite is true. He is creating a huge problem for the next generation in the way he wants to spend this money.

Now, there is a second issue I want to address today. That goes to the issue of the substance of the points made today at the press conference. This could be addressed, of course—this issue of spending and those questions regarding these major public policies—if he wanted to reach across the aisle and approach things in a bipartisan way.

Senator CONRAD, the Chairman of the Budget Committee, and I have proposed an idea calling for a commission with fast-track authority which essentially would talk on the big issues which drive this spending problem—health care, specifically; Social Security, also; and tax policy—and would allow us, in a bipartisan way, to come forward and grapple with these issues and put forward ideas as to how to solve them and bring under control these numbers so they are affordable and so we do not run up this massive debt on our children. That is a bipartisan initiative which I am totally committed to.

In the area of energy, there are a number of bipartisan initiatives which make sense. But we are now hearing that rather than proceeding on a bipartisan path to try to address these issues, they are going to think about using something called reconciliation. That is a term of art around here. Most people do not know what it means. But what it essentially means is that you say here in the Senate that the Senate will function as an autocracy, it will function like the House of Representatives, that you will have the ability to bring to the floor a bill which will not essentially be amendable and which will only take 51 votes to pass.

Reconciliation was a concept enacted as part of the congressional budget process, and its use has evolved. Its purpose was to reconcile the budget. In other words, if the numbers on spending around here did not meet the budget, then there would be a bill to correct that, so that if the appropriations numbers were not correct or the entitlement numbers were not correct or the tax numbers were not correct, there could be a bill that comes through called reconciliation, which would follow the budget resolution.

Sometimes over the years, it has been used in an aggressive way. It was used to adjust already existing programs—authorized programs, entitlement programs, and tax proposals. President Bush used it aggressively on taxes. In 1997, President Clinton used it aggressively, along with a Republican Congress, on everything—entitlements and taxes—but it was always directed at existing policy and adjusting that policy. In other words, we were raising the tax rate or dropping the tax rate, changing an entitlement program in some way that already existed or not changing an entitlement program.

Reconciliation has never been used for the purposes of putting in place a dramatic new Federal program which will fundamentally shift the way the Government functions in this country. It has never been used in the sense of an ab initio event or program.

The carbon tax—or, as I call it, the national sales tax on electric bills—is a massive exercise in industrial policy, totally redirecting how energy is produced in this Nation and affecting everybody in this Nation because everybody's energy bill will be increased as a result of this tax, especially in the Midwest and in the Northeast. It is a brand new program—something we have never seen before. It is a huge program. Obviously, rewriting the health care system of this country is a dramatic exercise affecting absolutely everyone in this Nation at all sorts of different levels. It is a brand new, major program. These are initiatives of significant size and import. Reconciliation was never conceived to undertake those types of events, those types of initiatives.

You can't bring to the floor of the Senate a bill which totally rewrites the way people produce and pay for energy in this Nation with a brand new national sales tax, under a rule that says you will get 20 hours of debate and no amendments, and have the Senate function as is its purpose, which is to be a place of discussion and amendment. It would function like the House of Representatives, that is true, but it would basically eliminate the Senate as a concept and it would go right directly at destroying the purposes of the Senate. The same, of course, is true, to bring a major initiative—to basically rewrite health care completely—basically quasi-nationalize it, as far as I can see, is the proposal—but to have a massive health care initiative which would affect everything that has to do with health care brought to the floor of the Senate under reconciliation would be to fundamentally undermine the purposes of the Senate, which is to discuss, debate, and have the right to amend major public policy. I can't think of two things which would be more significant public policy than those initiatives.

Yes, if they used this system of reconciliation, they would take serious risks because they would be subject to something known as the Byrd Rule on public policy, but just the concept that they would be thinking about this is the reflection of their willingness to ignore the concept of bipartisanship which we hear so much about. If you are going to talk about reconciliation, you are talking about something that has nothing to do with bipartisanship; you are talking about the exact opposite of bipartisanship. You are talking about running over the minority, putting them in cement, and throwing them in the Chicago River. Basically, it takes the minority completely out of the process of having a right to have any discussion, say, or even the right to amend something so fundamental as a piece of legislation of this significance. It also, I would note, takes anybody who disagrees, even on the majority side, out of the discussion, anybody who disagrees with the actual document brought to the floor under the reconciliation instructions.

So using reconciliation in this manner, on this type of an issue, would do fundamental harm—fundamental harm—to the institution of the Senate. Why even have a Senate if you are going to use reconciliation on something this significant? You might as well just go to a unicameral body and be like Nebraska: just have one body. It would be the House of Representatives because that would be the practical effect of using reconciliation. It is such a dangerous precedent to set or to even discuss because by discussing it, you basically devalue the purposes of the Senate, which is to amend and debate and have an open forum; one where, as Washington said, the hot coffee can be poured from the teacup into the saucer. The Senate is supposed to be the saucer. It is supposed to be where we get an airing, and certainly on issues of this size we should have it.

So I certainly hope we have no further discussion of the idea of using reconciliation for the purposes of pursuing either a national sales tax on energy called the carbon tax and the policies it would imply for industrial policy relative to energy production in this Nation or for the massive rewrite of health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I agree wholeheartedly with the warnings issued by my friend, the Senator from New Hampshire, whose service on the Budget Committee has been very valuable, and I hope everyone has taken careful heed of his words for what we need to do in the future.

Mr. President, I ask unanimous consent to proceed as in morning business.

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

AMERICAN CREDIT CLEANUP PLAN

Mr. BOND. Mr. President, I wish to talk about something that is happening at this moment and a problem we have to solve before we even look at what we do in the future. Like so many others—and I assume the occupant of the chair and all of my colleagues have heard the same thing—the phones in my office in the District of Columbia and across the State are ringing off the hook. Americans are outraged that their hard-earned taxpayer dollars are being used to pay bonuses at AIG. Yesterday afternoon and today, there have been countless press reports about these bonuses paid to some of the same people who may have been responsible for putting AIG into this mess. I agree. I, too, am outraged. It is unacceptable to pay bonuses after the American taxpayer was forced to bail out an institution without reforming it—without reforming it—without demanding any changes.

While I share Americans' fury over this latest idiocy, I am, quite frankly, a little surprised to see the President and his Treasury Secretary so outraged by these bonuses when they had the opportunity to prevent them before they gave AIG the latest installment of taxpayer dollars. That is right, the Obama administration could have refused to pay the remainder of the $170 million in bonuses to failed AIG executives as a condition to providing that company the additional money it sought from the Treasury. Earlier this month, the Obama administration gave AIG another injection of $30 billion of taxpayer funds to keep this failed institution from failing even further. There is a rat hole, and we have thrown $170 billion down it.

At the same time, Treasury Secretary Geithner should have and could have ensured that taxpayer dollars wouldn't be used to pay any of these bonuses, but he didn't. This is another example, I regret to say, of the Secretary's failed leadership. When he was President of the Federal Reserve of New York, he had oversight responsibility over AIG, Citi, and other of the major failed institutions. What was done? Obviously, the answer is ''not much.''

The outrage over the bonuses really, in some ways, kind of misses the point. I believe that capping corporate pay and taking away business and private jets is not enough for the failed executives who got us into this problem. We need to go further. The failed senior executives and the board of directors should have been fired, should have been replaced when the Government first had to step in and rescue the company. Don't throw good money after people who are not running their institutions well.

I can assure my colleagues that if any worker in Missouri or any other State across the Nation drove their company into the ground, they would have been and should have been fired. They wouldn't be receiving a bonus. I believe this double standard for Wall Street versus Main Street is another reason Americans are so mad about how their taxpayer dollars are being used.

What is particularly troubling is that AIG's intention to pay these bonuses had been no secret, and the administration was completely aware of these payments. Now that Americans are outraged about how their taxpayer dollars are being spent, Secretary Geithner and President Obama are suddenly shocked and outraged as well. The real outrage is their ad hoc and knee-jerk reaction to the crisis. The administration's adhocracy amounts to spending billions—that is right, billions with a ''b''—of good taxpayer dollars on the failing banks.

What we really need, as I said last week, is to follow the words of that old country music song: ''We need a little less talk and a lot more action.'' We need to focus on the failing banks and others, and I have laid it out. It is called the American Credit Cleanup Plan. It is really very simple. It uses existing authorities for the banks, existing authorities within the Federal Deposit Insurance Corporation.

There are three main steps that need to be taken: We need to identify failing institutions; we need to remove the toxic assets, protect depositors, and remove the failed leadership; and then return healthy, clean banks or portions of those banks into the private sector and get the Government out of running the businesses. Government doesn't do a very good job of running private business. I hate to say it, but our record in Congress on running our own business is not something one would hold up as an example of good executive management.

Unfortunately, we don't seem to have any executive management in the administration, but we can send the FDIC in to clean up the banks and put the banks back into the private sector—at least in various pieces, whatever is sold off, whatever the market will buy—and let the market judge whether these new institutions, or institutions with these new portions in them, are working. There ought to be discipline in the marketplace. There has been no discipline.

I agree with Americans who don't want to see their tax dollars going to failed executives at AIG or any other failing institution. Our plea is stop throwing good tax dollars at bad banks. The zombies should not be propped up without being cleaned up. We have well-established principles. We need bold action that fixes the root problems and a clear exit strategy in mind such as the American Credit Cleanup Plan. Get in, take out the bad assets, protect the depositor if it is a financial institution, clean out the boards of directors if need be, and put the bank or parts of it back in the marketplace.

It is time the President and the Treasury realize that throwing good

money after bad is not the way to solve this crisis. We saw in the late 1980s and 1990s where prompt action cleaned up the savings and loan crisis. It was actually savings and loans and banks. They went in, cleaned them up, sent them out, and the economy recovered.

Japan tried what we apparently are trying to do now. They spent a decade throwing more Government money at failing institutions, and what did they get? They got a decade of stagnation. There is no reason for that to happen to us when we know how it is done.

I have talked to Bill Seidman, who ran that operation. I have talked with former Chairman Greenspan and the presidents of the Federal Reserve of Kansas City and St. Louis, and they all say the same thing: Get in, clean them up, get the toxic assets out, get the Government out of running the banks and telling them where they spend their money and where they don't. Get them out and the economy will recover because the credit crisis will clear up. Until we do that, we will see more and more wasted dollars.

I have talked with the leadership, and I hope they will bring up a measure I have cosponsored along with the chairman of the Senate Banking Committee, Senator DODD, as well as Senator CRAPO, to give a line of credit to the FDIC to do its vital cleanup work. They should expand their powers to go after bank holding companies if they are in bad shape. If we can pass that, they will have an additional tool. The FDIC has the basic tools. There is expertise there. Let's use the expertise and clean up rather than flooding these zombies with more dollars.

Mr. President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AIG BONUSES

Mr. SCHUMER. Mr. President, I will speak on a letter that myself and a number of colleagues are sending to the head of AIG, and I believe a few other colleagues will be here in the next half hour to speak on the letter as well.

I rise today to express my outrage and the outrage of the American taxpayers at the bonus payments the American International Group intends to make to the employees of its Financial Products division.

Yesterday, we learned that AIG is in the process of paying $165 million in bonuses to the employees of its Financial Products division as part of the plan that will pay them $450 million in bonuses by the end of 2009.

This is disgraceful, this is unacceptable, and it is an offense to millions of hard-working Americans whose tax dollars are the only reason AIG continues to exist as a going concern.

Today, I rise to assure you, the leadership of AIG, my fellow Americans, and my colleagues, that we intend to do everything in our power to prevent those payments from being made and to recoup the money that has already been paid. As of now, eight of my colleagues and I have joined in a letter to Edward Liddy, the chairman of AIG, demanding that he renegotiate these contracts, and letting him know that we will not stand by. If Mr. Liddy does nothing, we will act, and we will take this money back and return it to its rightful owners—the American taxpayers. We will take this money back by taxing virtually all of it. So let the recipients of these large and unseemly bonuses be warned: If you don't return it on your own, we will do it for you.

In the letter, joining me are the majority leader, Senator REID; secretary of the caucus, Senator MURRAY; Senator KLOBUCHAR; Senator CARPER; Senator LINCOLN; Senator MENENDEZ; Senator JOHNSON; and the occupant of the chair, Senator BEGICH. The number is growing, and I believe many other people will put their names on the list.

In the past year, we have learned much about the reckless behavior within our financial system. No firm was more reckless than AIG. What they did was not only irresponsible but, from a business perspective, it was immoral. They took what was a very solid, well-made business that sold insurance to individuals and firms around the globe and turned it into a gambling den that they used to enrich themselves. They sold credit default swaps and other derivatives to all comers as though they were playing with monopoly money, but it was real money. When their deals went sour, when they actually had to pay, they had nothing with which to pay anyone.

As Warren Buffet said, ''When the tide goes out, you see who is swimming without a bathing suit on.'' The leadership of this unit of AIG was doing just that.

Just this month—in fact, less than 3 weeks ago—AIG reported that in the final quarter of 2008, as a firm, it lost $61.7 billion. Let me repeat that. In a single quarter—in just the last 3 months of 2008 alone—this firm lost over $60 billion. That is by far the largest single quarterly loss in corporate history. For all of 2008, AIG lost $99.3 billion, nearly $100 billion. Nearly all of those losses were caused by the actions of the employees of the Financial Products division. But, yesterday, we learned the firm intended to pay nearly $165 million in ''bonuses'' this year and a total of $450 million in bonuses over the next year for the employees in the very same unit—not only bonuses but performance bonuses—a performance bonus for a firm that lost $100 billion.

I will repeat that. This is a performance bonus for a firm that lost $100 billion. If anything defines ''Alice in Wonderland'' business practices, this is it. It boggles the mind.

In the past 6 months alone, the American taxpayers have been forced to commit over $170 billion to AIG. If the Government had not stepped in, if it had not repeatedly acted to fill the hole in the financial system created by this firm and these employees' behavior, AIG would have been bankrupt. All these employees would have received nothing—zero.

We keep hearing that AIG is contractually bound to pay these bonuses; that if they don't, these supposedly talented people—those whose talent created this disaster—will leave. Here is what I would like to know from Mr. Liddy: Did he even attempt to renegotiate these contracts? Did he approach these individuals and point out to them the health of AIG and the condition of the United States and global economies and their own culpability in creating this mess? Did they respond by saying: I don't care, I want my bonus? Is that what Mr. Liddy is suggesting?

Well, Mr. Liddy, I urge you to fix this mess because, let me tell you something: We are all fed up. If you don't fix it, we will.

Here is what we are doing: My colleagues and I are sending a letter to Mr. Liddy informing him that he can go right ahead and tell these employees who are scheduled to get bonuses that they should voluntarily return them because, if they don't, we plan to tax virtually all of it. He should tell these employees if they don't give the money back, we will put into place a new law that will allow us to tax these bonuses at a high rate so it is returned to its rightful owners—the taxpayers.

For those of you getting these bonuses, be forewarned: You will not be getting to keep them.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, in the past few days, we have learned that the American International Group—known as AIG—has awarded $165 million in bonuses to its high-end employees—the employees of its Financial Products group. These are people responsible for the fancy wheeling and dealing that nearly destroyed the company and wreaked havoc on our entire financial system.

The American public is outraged by the arrogance and the abuse of taxpayer funds, and so am I. I was just in my State, where there are people barely holding onto their homes, people who have had their hours cut, and who are just one step away from their home going into foreclosure or from losing their car, and now we learn this today.

Last year, under desperate but necessary circumstances, the U.S. Government had to rescue AIG from total collapse. This was done not to rescue the company itself but to rescue our financial system. AIG would not even continue to exist today except for the infusion of $170 billion in taxpayer funds. The American people now own essentially 80 percent of the company, and AIG is supposed to be doing everything possible to right itself. Well, they haven't.

There is no rational way to justify these bonuses to people who have caused untold damage to our economy. This is not pay for performance, it is pay for failure, which makes no sense at all. Why should they get the golden parachutes when their company and our financial system have been crashing to the ground? The bonuses these individuals are receiving for their failure is more than most Americans make in a lifetime. The American people simply should not be in the position of rewarding the failure of high-flying Wall Street bankers who brought their company and our economy crashing down.

That is why I have joined today with Senator SCHUMER and other colleagues in writing to Edward Liddy, the chairman and CEO of AIG. We are telling him if these bonus contracts are not renegotiated immediately, we will offer legislation that will have the effect of making American taxpayers whole. AIG needs to step up and do the right thing. But if AIG doesn't take action on its own to correct this outrage, we stand ready to take the difficult but necessary step of enacting legislation that would allow the Government to recoup these bonus payments through the Tax Code.

If we are forced to do this, we will impose a steep tax, possibly as high as 91 percent, that would, in effect, recover nearly all the bonus money. Now, I am like most Americans; I don't like to see taxes raised. But in this instance, I think all of us can make an exception. If they refuse to do the right thing, then it is only fair to impose this kind of tax against the people who have done such great harm to our financial system. They can't walk away with millions of dollars.

They may be laughing all the way to the bank right now, but if AIG can't or won't fix this problem, these people will soon be crying all the way to the tax office. These people seem to think they can operate with a height of arrogance and irresponsibility. This is not just a business outrage, it is a moral outrage.

I am also concerned that in addition to the bonuses already handed out, AIG has plans to spend an additional $450 million in bonuses over the next 2 years. Based on what we know now, can we trust that these bonus payments go to the people who deserve it—the people who fix the problems rather than people who just make the problems?

AIG is set to go into the history books as a company that symbolizes the type of greed and recklessness that has weakened our economy. Where I come from, we reward those who work hard and play by the rules and we take responsibility when we screw up. I believe the administration and Congress should do everything in their power to block these payments and demand accountability.

Now, we know this is also an insult to the many good, strong, healthy financial institutions across this country—the small banks such as those we have in Minnesota; healthy financial institutions that didn't engage in these high-flying dealings that shouldn't be punished. Their stockholders shouldn't be punished because of what companies such as AIG did.

As a prosecutor for 8 years, I dealt with criminals all the time. I have to say the white-collar crooks were often the worst to deal with because they claimed their crimes were an honest mistake and that there weren't any victims. As far as I am concerned, it didn't matter if someone stole with a crowbar or a computer or that they committed their crimes in a nice office or out on the streets, they need to be held accountable under the law.

Time will tell, and the Justice Department and other prosecutors and police will sort this financial wreck out to see when and where crimes were committed, but it is clear that what we need is accountability. If AIG's leadership won't demand it, we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise to join some of my colleagues to express our deep frustration with the financial institutions that have made the very poor decision of handing out multimillion dollar bonuses at taxpayers' expense—AIG being the latest in the line of continuing irresponsible behavior coming from Wall Street.

I have hard-working families—and there are hard-working families all across this great Nation—who are saying: Enough is enough.

This is not the kind of behavior Americans should be accepting at this time. It is completely irresponsible. Times are tough and people are sacrificing. People all across this country are sacrificing. Many employees in my State are seeing their hours cut or they are finding themselves out of work altogether. How are they caring for their families? They are working hard to look for that next job to put dinner on the table or to get their kids to school or making sure they can keep their families together.

I have talked to recent retirees who have been devastated because the nest egg they have been saving all these years has been slashed by 40 or 50 percent in just a matter of months. Now they are having to dramatically downsize their quality of life or go back to work, if they can even find work. I met a gentleman this weekend who is beginning to have college-age kids. He spent his entire life working to save for those college funds only to find that in these last several months they too have been slashed in half.

These people are realizing the impact of what is happening not only in our country but globally. They are standing up as Americans. They are willing to make sacrifices. They are working hard to keep body and soul together. But it is absolutely, unequivocally totally unacceptable for failed financial institutions that have received taxpayer assistance to be rewarding their employees with bonus payments at this time. It is outrageous and it will not be allowed.

We are the stewards of the taxpayers in our States and of the dollars we have provided in good faith as an investment in these companies to try to make sure they, too, can make ends meet. But this isn't making ends meet—handing out tremendous bonuses to just a select few. It is absolutely irresponsible.

During the debate of the recovery package, Senator WYDEN and Senator SNOWE and myself offered an amendment that put an excise tax on bonuses and financial institutions that had received TARP dollars. We did so because we feared this very thing would continue to happen. Unfortunately, our proposal was taken out of the package in the conference. So I am pleased to hear many of my colleagues who are now in agreement that something must be done to correct this travesty.

Make no mistake, if these companies handing out multimillion dollar bonuses do not rectify the situation, do not change their ways, we stand ready to work to enact legislation that recoups these tax dollars and these taxpayers' funds. Our taxpayers have worked hard and they are suffering as much as anybody else. But we do not need to see these major corporations and financial institutions that are handing out these unbelievable enhanced bonuses at a time when we should all be pulling together, pulling together to make our economy strong, to set it back on track and to make sure we can embrace and continue the kind of quality of life that all Americans need to be able to realize.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

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

NEWSPAPER INDUSTRY

Mrs. MURRAY. Mr. President, we have a lot of interesting landmarks in my home State of Washington, especially in Seattle. But one of my favorites has always been the globe that sits on top of the Seattle Post Intelligencer's building on Elliott Bay. The words, ''It's in the P.I.'' wrap around that globe, and it is more than just another quirky part of our skyline. It has symbolized the importance of the paper to generations of readers.

For 146 years, the Seattle P.I., as everyone in Seattle calls it, has informed, investigated, enlightened, entertained, and, yes, sometimes irritated the people of our community. The P.I. staff has put politicians, businesspeople and bureaucrats to the test, and their work has distinguished the paper and won them well-deserved awards—from our cartoonist David Horsey's Pulitzers to a long list of prizes for public service journalism.

But, today the P.I. published its last print edition. Its owner, the Hearst media chain, put it up for sale and hasn't been able to find a buyer.

Hearst has said it will replace the paper with a smaller online edition, but it won't be the same.

We have been lucky to live in a two-newspaper town. Two-newspaper communities used to be common, but they are rare these days.

In Seattle, the Times and the P.I. had a Joint Operating Agreement for 26 years, but they were always rivals when it came to breaking news.

Competition made both papers dig a little deeper and push a little harder. That competition meant everyone from corporate leaders to school officials to sports team owners were held to a higher standard.

Our community is a better place as a result.

Unfortunately, the P.I. is not the first major paper in our country to stop publishing this year. Last month, Denver's Rocky Mountain News closed its doors. And the P.I. may not be the last to close either.

The reality is that newspapers have been struggling and cutting back for several years now. Many of the major papers across the country are worried about whether they will make it through the economic downturn.

Like so many other companies, they are victims of the recession and a changing business environment.

The depth of the problem hit home for me earlier this year when I visited the press in Olympia, our State's capital city.

In 2001, there were 31 reporters, editors, and columnists covering the state house there. Now there are nine—nine.

We have all noticed the shrinking press corps here in Washington, DC, too.

Not too many years ago, we had more than a dozen reporters here covering the Washington State delegation. We have seen that number shrink to just a couple in the last year.

This is really troubling to me because at the end of the day, newspapers aren't just another business. And if more close—and there is nothing to replace them—our democracy will be weaker as a result.

For generations, newspaper reporters have been the ones who have done the digging, sat through the meetings, and broken the hard stories.

A newspaper broke the Watergate scandal—and the story about horrible conditions at Walter Reed Medical Center.

Newspapers have exposed graft and corruption at every level of government. They have uncovered environmental threats posed by strip mining, hog farming, and contaminated waterways.

They have used the power of the press to expose injustice, prejudice, and mistreatment of people who don't have the power to speak up for themselves.

And most importantly, newspaper stories have led to real change.

In my community, the P.I.'s reports on asbestos led me to introduce my legislation to ban it and the P.I.'s investigation on the shortage of FBI agents in the Pacific Northwest has led to my work to increase the number of agents in Washington State.

We need reporters to root out corruption, shine a light on the operations of government, and tell the people what is really going on in our communities.

We need them to go to school board meetings, cover local elections, and attend congressional hearings.

And, yes, we need them to push for information, to investigate, to request public records—and to fight when the government stands in the way.

We are still working out what role the Internet will play in the Fourth Estate—and what role TV and radio have in the new media environment.

There has been a lot of talk recently about whether online publications can—or will—adequately replace the paper editions.

While there is something comfortable about the fact that we can pick up a paper, spread it out on the kitchen table, and cut out articles to stick on the fridge, what's most important to me is that if the media environment is really changing, someone will be there to step in and do the work newspapers do for our communities now.

I really hope what we are seeing is just an evolution in the news business.

I hope that when it all shakes out, the media will end up as strong as ever. I am going to miss the Seattle P.I., and I know all of Seattle and the Pacific Northwest will as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 614 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa is recognized.

2010 BUDGET TAX INCREASES

Mr. GRASSLEY. Mr. President, today is St. Patrick's Day. St. Patrick, the patron saint of Ireland, is revered by Irish and non-Irish alike, for many things. Among the many legends is one regarding snakes. St. Patrick drove snakes off the Emerald Isle. In looking at the President's budget, you could see that we might need St. Patrick to come back and drive all the extra taxes out of the budget. Certainly, like the snakes in Ireland, all of these new taxes, if left unchecked, could bite a lot of hard-working American taxpayers.

Nineteen days ago, President Obama sent his first budget up to Capitol Hill. The deficits and debt proposed in that budget are eye-popping. President Obama is correct when he says that he inherited a record budget deficit of $1.2 trillion. I have a chart here that shows the pattern of the Federal debt.

But, from the statements from the congressional Democratic leadership, you would think they just got the levers of power this January. You would think they had no role in creating that deficit President Obama inherited. In fact, congressional Democrats and the last Republican administration agreed on the fiscal policy in the last Congress. The congressional Democratic leadership, together with the George W. Bush administration, wrote the stimulus bills, housing bills, and the financial bailout. The congressional Democratic leadership wrote the budgets and spending bills in 2007 and 2008. So let's be clear. President Obama inherited the deficit and debt, but the inheritance had bipartisan origins—the Democratic Congress and the last Republican administration. What's more, the budget the President sent up would make this extraordinary level of debt an ordinary level of debt. What is now an extraordinary burden on our children and grandchildren would become an ordinary burden.

In the last year of the budget, debt held by the public would be two-thirds, 67 percent of our gross domestic product.

The President's budget does contain some common ground. Whenever President Obama wants to pursue tax relief, he will find no better ally than we Republicans. Likewise, if President Obama wants to embrace fiscal responsibility and reduce the deficit by cutting wasteful spending, Republicans on Capitol Hill will back him vigorously. From our perspective, good fiscal policy keeps the tax burden low on American families, workers, and small businesses and keeps wasteful spending in check. For the hard-working American taxpayer, there is some good news in the budget. President Obama's budget proposes to make permanent the lion's share of the bipartisan tax relief plans

that are set to expire in less than 2 years. Republicans have been trying to make this bipartisan tax relief permanent since it was first passed.

It will mean families can count on marriage penalty relief and a doubled child tax credit. It means workers will be able to count on lower marginal tax rates. It means low-income seniors, who rely on capital gains and dividend income, will be able to rely on low rates of taxation as they draw on their savings. It means middle-income families will be able to count on relief from the alternative minimum tax, AMT. President Obama will find many Republican allies in his efforts to make these tax relief policies permanent.

Unfortunately, President Obama's budget also contains bad news for the American taxpayer. For every American who puts gas in a car, heats or cools a home, uses electricity to cook a meal, turn on the lights, or power a computer, there is a new energy tax for you in this budget. This tax could exceed a trillion dollars. The budget also raises taxes on those making over $250,000. That sounds like a lot of money to most Americans. But, we are not just talking about the idle rich.

We are not talking about coupon clippers on Park Avenue. We are not talking about the high-paid, high-corporate-jet-flying, well-paid hedge fund managers in Chicago, San Francisco, or other high-income liberal meccas. Many of the Americans targeted for a hefty tax hike are successful small business owners. And unlike the financial engineers of the flush liberal meccas of New York, Chicago, or San Francisco, a lot of these small businesses add value beyond shuffling paper.

There is bipartisan agreement that small businesses are the main drivers of our dynamic economy. Small businesses create 74 percent of all new private sector jobs, according to the latest statistics. My President, President Obama, used a similar figure of 70 percent yesterday. Both sides agree that we ought not hurt the key job producers, small business. President Obama also mentioned his zero capital gains proposal for small business startups. Republicans agree with him on that.

We are still scratching our heads on why the Democratic leadership doesn't agree with the President on that small business-friendly proposal. So if we all agree that small business is the key to creating new jobs, why does the Democratic leadership and the President's budget propose a new tax increase directed at the American small businesses most likely to create new jobs?

How do I come to that conclusion? Here's how. According to a recent Gallup survey, about half of the small business owners employing over 20 workers would pay higher taxes under the President's budget. I have a chart that shows that nearly 1 million small businesses will be hit by this tax increase. Here is another chart that shows that roughly half the firms that employ two-thirds of small business workers, those with 20 or more workers, are hit by the tax rate hikes in the President's budget.

According to Treasury Department data, these small businesses, account for nearly 70 percent of small business income. In addition, the budget would reduce itemized deductions for donations to charity, home mortgage interest, and State and local taxes. Combating tax shelters and closing corporate loopholes can be good tax policy, but higher general business taxes during a recession doesn't make much sense.

If these higher taxes were dedicated to reducing the deficit, the Democratic leadership could argue this was their version of fiscal responsibility. We Republicans would disagree with this approach, but at least we would agree with the goal. But, a close examination of the budget reveals higher taxes and higher spending. So, from an overall standpoint, deficits will remain as far as the eye can see. Drawing on our principles, Republicans will work with President Obama on making permanent tax relief for families.

We, however, will oppose tax increases that harm America's small businesses. We Republicans also will scrutinize and question a broad-based energy tax that cuts jobs and could, according to MIT, cost consumers and businesses trillions. In these troubled economic times, we ought to err on the side of keeping both taxes and spending low and reduce the deficits. That will be a necessary condition to returning our economy back to growth and providing more opportunities for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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, I rise to talk about the pending bill. I understand we will have a unanimous consent agreement that the majority leader and I have worked out on the omnibus lands package. Having spent 10 years in a legislative body, I understand how things work, and I know we have a bill that is a compilation of 150-plus other bills that is so peppered with individual parochial interests that the hopes of defeating the bill are somewhat diminished. However, I would be remiss in the oath I took to the Constitution to not try to inform my colleagues in the Senate as well as—and more importantly—the people of this country what is coming about with this bill.

Yesterday, one of my constituents sent me a news article described as the following: ''Natural Gas Rig Shutting Means Prices May Double.'' Natural gas right now is under $4 a million British thermal units. It was as high as $13 in the height of what I would say was the manipulation of the commodity market but also in the height of the expansion we saw in economies around the world.

Why is that important to the American public? When people look for natural resources, they look for natural resources—to find them—so they can sell them at a profit. Natural gas exploration in the continental United States—not offshore—is fraught with great difficulties in terms of finding great supplies. However, what we do know in terms of the law of economics is: If you cut exploration in natural gas by 45 percent—and that is just through February of this year versus July of last year—what is going to happen? What is going to happen to natural gas prices? Well, they are going to rise and they are going to rise significantly and, most probably, they are going to approach $10 a year from now.

Is it a great policy we are going to pass a bill that is going to make it harder to find additional natural gas resources in this country, that shuts off 13 trillion cubic feet of known reserves right now? That is enough to supply our country for 2 years. Is it smart for us to pass a lands package that is going to take 2.8 million acres and say: You cannot ever touch it for energy, regardless if natural gas is $45 a million Btu's, you cannot touch it?

But at the same time, if our demand rises, what are we going to do? We are going to import it. So we are doing two things highly negative in the long run that will have major effects on the average American family. One is, we are going to limit the ability to go find it; and, No. 2, we are going to continue to fund imports with our dollars to burn the same natural gas we could have developed here.

The same thing could be said for oil. We all remember oil at $140 a barrel. We pretty well like that gasoline—in my hometown, I filled up with regular unleaded gasoline for $1.64 a gallon this weekend versus the highest it got in Oklahoma, I think, was $3.90 a gallon. We like that. But we are getting ready to pass a bill that says the likelihood of us going back to that era of demand—supply inequality—will be increased and that to pay for that will be a tax on every American family's budget. It is a pretty tough tax if you are commuting or if you are heating your home with natural gas our if you are buying heating oil. Many of our families in the Northeast and upper Midwest bought their heating oil at the peak of prices.

So the opposition to this bill, from my standpoint, comes from a lot of areas, and I am going to spend some time outlining that today. But I want to be a predictor of what is going to happen. What is going to happen is energy prices are going to rise. If you are the greenest of green and think we can provide all our energy from renewables,

great. But what you cannot deny is the fact that it is going to take us 20 years to get there. What this bill is going to do is markedly hamper our ability to supply needed energy products for American families. It is not just oil and gas.

Ninety percent of the known geothermal and absolutely clean, safe, environmentally friendly way to produce steam and power a turbine to produce electricity is taken off in this bill—90 percent of the known geothermal reserves. So when we say we want to use renewables and we want to get away from a carbon-based source, there are some things we have to do. One is to recognize how long it is going to take us and make sure we do not have a disruption in our supplies; No. 2, markedly increase the supplies we need in the meantime; and, No. 3, not hamstring our ability to use completely renewable sources from sources we know are available to us right now.

There have been a lot of claims this bill is not controversial. Well, coming from an energy-producing State, it is controversial as all get out for Oklahoma. When we say we are going to shut off large portions of this country forever to future energy exploration, it does not just impact—Oklahomans have cheap energy. We are the least impacted by it. What the American citizens ought to be asking is: What did we get individually that can put 150 bills together that will make your Representative in Congress vote for something that in the long term is damaging to our energy independence and will keep us more dependent on people who are supplying energy who do not necessarily believe in freedom, do not necessarily like our way of life, and do not necessarily believe we ought to have the standard of living we have?

This bill has 1,248 pages—1,248 pages. There is a total of 170 unique, different bills. This bill, also, is going to cost the American taxpayer—our kids—$10 billion, and it has $900 million of mandatory spending that is going to be spent no matter what anybody in Congress says. So we are going to add another $11 billion to our spending. It is opposed by over 200 different groups. Whether it is property rights groups, the Chamber of Commerce, energy-producing groups, recreation interests across the country, they are uniform in their opposition to this bill.

It is not necessarily just in their own self-interests they are in opposition to it. They know what is coming. They are not thinking short term. They are not thinking about how I look good at home. They are thinking about what is in the best long-term interests of our Nation.

One hundred of these bills have no effect on us as individual Americans. They will not have an effect on energy. They will not have an effect on property rights. There probably is no problem with them. But 70 of these bills will markedly impact every American.

When this bill went through the House on suspension—and it is important you know what ''suspension'' means: You get a vote on it, but you do not get any opportunity to amend it—it did not pass the requirement to pass the House without amendment.

This bill has been smoldering here for 2 years. I wish it would smolder a whole lot longer. I will have to admit that. This is the first time in 2 years we are going to be able to offer an amendment to change this bill. It is going to be a limited set of amendments: six amendments on 1,248 pages of legislation, on $11 billion worth of spending, but, more importantly, on a significant decline in the American people's standard of living because energy costs are going to rise. They are going to rise anyway, but they are going to rise dramatically because of what we are going to do in this bill.

It is a massive collection of unique provisions, some quite controversial. There is actually a section of wilderness area in one Congressman's district that nobody from his district wants and neither did he, but it got put in the bill, and he has no ability to amend the bill. So we are going to take a section out of one of our States and put it in a wilderness area, where the citizens do not want that to happen and the Congressman does not have the ability to try to stop it. That is what happens when you start playing games in trading things in Congress to pass a bill that cannot pass any other way except for buying off votes with something that looks good at home.

It creates 10 new National Heritage Areas. It creates three new units of the National Park Service. We have a $9 billion backlog in just keeping the buildings maintained in our national parks right now, and we are going to add three new parks—at a time when we are going to have an over $2 trillion deficit. We are going to have a deficit that will add $7,000 per man, woman, and child, $28,000 per family this year alone—this year alone.

It creates 14 new studies to expand or create more national parks. It creates 80 new wilderness designations or expansions. It takes 2.2 million acres of direct Federal land and says: You can never touch this, regardless of how much oil is there, how much natural gas is there, how much geothermal is there. You can never touch it. No matter what our need is, we will never be able to access it.

How stupid are we when we are going to tell the rest of the world's suppliers of oil we are going to limit our ability to influence their pricing to us?

It creates 92 wild and scenic river designations—that is more than we have total wild and scenic rivers now—1,100 miles of shoreline. It is going to kill an LNG, liquefied natural gas, port in Massachusetts that is not a scenic river at all because we are so green we do not want to use natural gas, one of the cleanest carbon-based fuels we have, and we are going to eliminate the ability for people in the Northeast to have cheap natural gas. But we are going to do it.

It creates six new National Trails. I will tell you, the trails it creates have eminent domain. Even though this bill says they are not going to use it, the bureaucrats are still going to have the ability to take private property from individuals without their consent.

The Wild and Scenic Rivers Act will prohibit any gas transmission lines, any electrical lines, any utility lines, that may be in our Nation's best interest, to either pump oil from Canada or natural gas. You cannot go near the river, so you cannot cross the river. So what we are going to do is, not only are we going to raise the cost, we are going to increase the cost of getting it here because we are going to have to go circuitous routes to bring energy to people in this country.

It includes 19 specific instances where Federal lands are permanently—permanently—withdrawn from future mineral and geothermal leasing. Three million acres are impacted by this permanent withdrawal. In the Wyoming Range that is in this bill, according to the National Petroleum Council, 12 trillion cubic feet of natural gas is proven and sitting there right now—and that is enough to run our country for almost 3 years—300 million barrels of oil. That is the most up-to-date study by the BLM. Each of the 19 withdrawal provisions of the 3 million acres also excludes future geothermal leasing. Studies performed by the Bureau of Land Management confirm geopotential on many of the designations in this bill. In other words, it has been studied. I will have a chart later to show that. We know where the geothermal sources are in this country—clean energy, cheap, abundant—yet we are going to take it away. We are going to say we are not going to use it.

The threats posed by this bill to American energy independence have grown since the last time we considered this bill. Secretary Salazar has withdrawn 77 major leases in Utah. He has withdrawn eight—and these are leases that are already completed, signed, and paid for—energy leases in Wyoming, outside of this bill. He has delayed any increase in offshore drilling because it ''needs more study.'' We do it with perfection in the Gulf of Mexico. The vast quantity of our oil that we produce domestically comes from there. He has delayed the development of oil shale because it needs more testing, except all the prototype plants have been highly effective in how they have utilized it.

The bill is another direct challenge from Congress to President Obama's pledge to clean up the earmark process. There are multiple earmarks in this bill for things that none of us would be proud of and none of us would say would meet with any common sense, especially in light of the fiscal and monetary difficulties in which we find ourselves.

There is $1 billion for a water project in California to repopulate 500 salmon. There is $5 million for a wolf compensation and prevention program for

wolves that we reintroduced in the wild that are now killing cattle. So we are reintroducing wolves, and then we are going to pay the ranchers for the cows the wolves killed.

There is $3.5 million to celebrate the 450th anniversary of St. Augustine in 2015. Do we really think right now we ought to spend $3.5 million to plan a birthday party in 2015 when we are stealing every penny we are going to spend this year—in the remaining portion of this year—from our kids and our grandkids? Is that really something we want to do?

We are going to spend a quarter of a million dollars to study whether Alexander Hamilton's boyhood estate in St. Croix, the U.S. Virgin Islands, is suitable as a new national park. Well, let's do it after we get out of the mess we are in; let's don't do it now. Let's not spend a quarter of a million dollars. What would a quarter of a million dollars do? It would buy at least 20 families health insurance for a year, 20 families who don't have it. It would supply lots of small businesses with the working capital they require to keep going and keep their employees on board instead of laying them off.

This bill gives $5 million for the National Tropical Botanical Garden to operate and maintain new gardens in Hawaii and Florida. Is that really a priority for us right now? Is that something—if we were a family, would we be making those kinds of decisions? It gives us a new ocean exploration program which has as its No. 1 job to locate, find, and document historic shipwrecks. It may be a good idea in a time of plenty, but in a time of hurt it is a terrible idea.

There is $12 million for the Smithsonian to build a new greenhouse for a national orchid collection. Is that something we should do now? A full waiver for the Cave Institute in New Mexico to be fully funded by the American taxpayers rather than by the State of New Mexico. It just happens to be one of those little things snuck into the bill.

What about property rights? There is little transparency. It is estimated the Federal Government now owns 653 million acres, 1 out of 3 acres in the United States, and 1 out of 2 acres in the Western United States. The 10 national heritage areas—what does that mean? The Park Service funds advisory committees in these heritage areas which means they have an advantage over the local residents because they have money. So they come in and pass requirements and code changes that impact private property rights in all of these areas.

So if you are in the heritage area or if you are abutting it, you now have the Federal Government funding a group that may be counter to your own private property rights. Eighty wilderness areas and another 2.2 million acres. Recent court decisions have now said being in the wilderness area isn't enough. If you are close to it, you can't have your rights; we will decide what you do with your land.

Ninety-two national scenic rivers—again, eminent domain—anything touching it or anything they want to have touch it, they have eminent domain to take private property, and we are creating 92 of those. So if you live along one of those rivers, you should worry about whether you are going to have the freedom to do with your property as you want, whether you are on the river or not. You just have to be in proximity.

Six national trail designations. The underlying National Trails Act grants land acquisition and eminent domain authority. So if they want to put a national trail through your backyard, they can come and take your home. Do we really want to give that kind of capability, and is now the time to do it?

Here is a quote from the National Property Rights Advocates:

> This bill is a serious threat to all property owners in this country. Over the past several decades there has been a proliferation of programs dedicated to the preservation of land that has extended the grasp of the Federal Government and its influence over private property rights.

Amen.

> As a result of this legislation, landowners will see their property value diminish due to increased land use regulations and outdoor recreation enthusiasts will find new restrictions on both public and private land.

So you can have private land where you allow people to horseback ride, but if you are next to one of these areas and they are not allowed in that area, you are not going to be allowed. So you may actually even lose income because you no longer have that as a capability of your property.

The experts go on and say:

> This legislation should never arbitrarily attempt to seize land from the public and restrict its use as this package will.

The problem is, there is no priority in this bill—there is no priority for energy independence or less dependence. There is no priority to protect rights that are guaranteed under the Constitution.

Let's think for a minute about what we have tasked the American agencies with. The National Park Service, here is what they are responsible for: 84 million acres of land in the National Park Service, 391 different units; 54 national wilderness areas which include 44 million acres; 15 wild and scenic rivers, and we are getting ready to add 92 to that; 40 national heritage areas, and we are getting ready to add 12; 28 national memorials, 4 national parkways, 120 national historic parks, 20 national preserves and reserves, 24 national battlefields, 18 national recreation areas, 74 national monument areas, 10 national seashores, 4 national lake shores, 3,565 miles of national scenic trails, 12,250 miles of unpaved trails, 46 miles of Canadian border, 285 miles of Mexican border to patrol and manage, 27,000 historic structures—27,000 historic structures that are falling down—26,830 camp sites, 7,580 administrative and public use buildings, 8,505 monuments and statues, 1,804 bridges and tunnels, 505 dams, 8,500 miles of road that they have to maintain yearly, 680 waste water treatment systems, and 272 million visits annually.

The National Park Service has a $9.6 billion maintenance backlog, so severe that the backlog grew $400 million since the time we first passed this bill and its coming back to us. The backlog has grown by $400 million, which includes some of our treasures—the USS Arizona Memorial, where 1,117 American sailors were killed—and faces a backlog of $33.4 million. It is not getting fixed; Gettysburg National Battlefield, 51,000 casualties in 3 days, $29 million backlog; the Grand Canyon National Park, $299 million backlog; the Statue of Liberty Park, $197 million backlog; The National Mall in Washington, DC—The Mall that is just west of here—$700 million backlog. There is even miscellaneous and supposedly noncontroversial provisions in the bill that could pose a threat to American families. It is not intended; it is just that it is a consequence.

In this bill is a little provision that if you are on Federal lands and you happen to pick up a rock—not intentionally to steal a fossil, but if it is a fossil, 5 years in jail, and they can confiscate your automobile, plus a fine. One of the amendments we have tries to fix that. We don't have a big problem with fossils being stolen, but we are going to fix a problem that isn't great by this amendment, by this bill, and we need to clean it up.

There is a provision to codify an existing agency program at the Bureau of Land Management which will, in fact, consolidate power over 38 million acres of land onto a few anti-energy, anti-recreational bureaucrats. This jurisdiction will extend the wilderness study areas lands, many of which have been deemed already nonsuitable for wilderness.

I am going to make a point later in the presentation just to show my colleagues—as a matter of fact, I will make it right now. One of the things the law requires is that we, in fact, do studies on the applicability of lands for wilderness area. My staff just had time to go through California, Oregon, and Washington. By law, it is mandated there has to be a study to see if it is suitable. I am going to read through some of these.

Granite Mountain, CA. It is not suitable for wilderness recommendation because resource conflicts in the WSA include modern to high geothermal resource potential. It should never get a wilderness designation. We are going to designate it a wilderness area.

Spring Basin, oil and gas, moderate potential for occurrence based on several factors. Soda Mountain wilderness study area, California; again, the entire wilderness is considered to have a moderate potential for the occurrence of oil and gas. So we know in many of

these areas there is tremendous energy potential for us, and we are going to shut it off forever.

Sabinoso wilderness study area, oil and gas; Pinto Mountain, CA, zero acres—this is by the Bureau of Land Management—zero acres were deemed suitable for wilderness. Yet we are going to put that area in a wilderness classification. Beauty Mountain, CA, no wilderness is recommended for this wilderness study area. The wilderness values for most of the area are not outstanding at all and commonplace.

Little Jackson, Big Jackson, wilderness study area, Idaho, natural gas pipeline between it and a supposed source of minerals; Bruno River wilderness study area, geothermal resources are found at the northern and southern ends of it. The solitude of this area is frequently disrupted by flying military aircraft utilizing the U.S. Air Force bombing range just east of the wilderness study area.

I can go through Oregon, Idaho, Washington—and we will go through the rest of them before this debate is over—but the fact is, we are not even paying attention to what the law says. When we have a study that says we shouldn't be, we are putting them in wilderness areas anyway.

One of the things I would like to do is commend to my colleagues highlights of GAO–09–425T, a study released March 3, 2009, on the Department of the Interior by the GAO. I would bet my colleagues a nickel against a penny, or any multiple of that, that less than one person in the Senate besides myself has read this report because you can't read this report and come out and vote on this bill. This is the Government Accountability Office. What they say is, the Department of the Interior is essentially poorly run, poorly managed, and the safety and welfare of our people who are on BLM lands and in the national parks is at risk because of the poor management and the lack of oversight that has been carried out by Congress. It is the very same committee that brings us this bill.

Mr. President, I also commend to my colleagues the testimony of Mary Kendall, the acting inspector general for the Department of the Interior, her statement before the U.S. House of Representatives Committee on Appropriations Subcommittee on the Interior, Environment, and Related Agencies. When you read it, it will scare you to death. Here is what the internal inspector general is saying, and it mirrors what the GAO is saying. Yet this has received zero consideration from the authors of this bill; otherwise, we would see an opportunity to fix the problems that are outlined in these two documents in this bill. There has been no consideration to fix the problems and no significant oversight.

What does it find? At no point during their testimony did they agree that it was a good idea to add any additional responsibilities to the Department of the Interior, based on what has been found: We find ourselves in the biggest mess in terms of maintenance. There is actually a public safety and health issue for people who are visiting our parks highlighted throughout both of these reports. There is no attempt to fix that, no attempt to authorize the money to get the backlog caught up with what we presently have and should be taking care of. There is no attempt whatsoever.

In the GAO report—I quoted almost $9 billion—they are saying it is between $13.2 billion and $19.4 billion to get our national parks up to date and manage the things we should be managing. In contrast, the entire budget for the Department of the Interior in 2007 was under $11 billion. We are going to take significant moneys that should be spent on the backlog of repair and maintenance and we are going to use that to implement this 1,243-page bill. I don't get it. I don't understand the lack of common sense. I understand the political drive. I understand we want to do things for people back at home. But I don't understand why there hasn't been a change in behavior given the economic situation we are in. I flat don't get it. I guess I have a lot to learn about politics.

The GAO wasn't necessarily critical of the management of the Department of the Interior, they were really critical of Congress. They said that although Interior has made a concentrated effort to address its deferred backlog, the dollar estimate of the backlog has continued to escalate. It sounds as if they need help. The last thing they need is another 3 million acres for which they have to be responsible. They classify the backlog into four categories: roads, bridges, and trails, between $6 billion and $9 billion; buildings, including historic buildings, between $2 billion and $3.5 billion; irrigation, dams, and other water structures, between $2.4 billion and $3.6 billion; recreation sites and fisheries, between $2 billion and $2.93 billion.

The Department of Interior by itself manages more than 500 million acres of Federal land, more than 1.8 billion acres of the Outer Continental Shelf, and its 70,000 employees working in 2,400 locations. Yet congressional leadership intends to add another 3 million acres and hundreds of new commitments to DOI in this bill.

In one instance of mismanagement, in this GAO report, GAO points out that the Fish and Wildlife Service is responsible for 132,000 acres of farmland, most of which it doesn't manage. However, even though these farmlands are unwanted, the Fish and Wildlife Service cannot sell these lands because they are now part of the National Wildlife Refuge System. So Fish and Wildlife owns thousands of acres of good farmland that it doesn't manage and doesn't even inspect. It is less than 13 percent of the land they inspect yearly. It is land we could use for agricultural production, but we don't use it because we in the Congress have handicapped them.

What the GAO report also said was, in describing the maintenance backlogs, that the deterioration of these facilities can impair public health and safety, reduce employee morale and productivity, and increase the cost for major repairs and early replacement of structures and equipment.

Other groups have made similar observations. According to the National Parks Conservation Association, ''From neglected trails to dirty or deteriorating facilities, national parks across the country are showing the strain of budget shortfalls in excess of $600 million annually. . . .'' It will be greater than that this year. ''The visitor center at the USS Arizona Memorial in Hawaii is overcrowded, its foundation is cracking, and it is sinking. . . .a shortage of staff and funding limits the ability of the Park Service to maintain campgrounds at Nevada's Great Basin National Park. Broken benches, dilapidated buildings, and a crumbling boardwalk greet visitors to Riis Park in Gateway National Recreation Area in New York and New Jersey. Chaco Culture National Historical Park in New Mexico lacks funding to maintain and repair the park's 28 miles of backcountry trails. As a result, trails are damaged by heavy use and weather, compromising the experiences of visitors and the integrity of cultural resources and nearby natural resources that become trampled when visitors cannot follow the trails.'' They are not maintained, and that becomes an ecological problem.

According to Acting IG Mary Kendall, ''Our work has documented decades of maintenance, health and safety issues that place the Department of Interior employees and the public at risk.'' She listed the following examples of where poor management has led to safety concerns:

The U.S. Park Police, responsible for maintaining security at national icons, ''failed to establish a comprehensive security program and lacks adequate staffing and formal training for those responsible for protection [of those assets].''

Opportunities for improvement remain in the security of our Nation's dams.

The Department's Office of Law Enforcement, Security, and Emergency Management still struggles with issuing centralized policy and providing effective oversight of DOI law enforcement.

In 2006, they found a National Park Service visitor center literally falling apart, severe deterioration at the Bureau of Indian Education elementary and secondary schools, and Fish and Wildlife employees working for almost 7 years in two buildings that were condemned and closed to the public.

That is how good the oversight is that we have done.

They identified abandoned mines where members of the public had been ''killed, injured, or exposed to dangerous environmental contaminants''

by abandoned mines, and Congress is prioritizing a massive increase in the public lands without funding or prioritizing the true national concerns in DOI.

What was also found in the GAO report is that despite increasing firefighting funds fourfold, there is incompetent forest fire management. The fact is that they are made worse because of poor management. We have done nothing for that.

Her statement was:

In other words, DOI has not managed to even develop goals for maximizing fire management and prevention funds.

Another statement is:

High prevalence of waste and fraud in the procurement and Federal assistance process.

They also found problems throughout the solicitation process: a lack of presolicitation planning, a lack of competition, selection of inappropriate award vehicles, and poor administration of contracts and grants.

Mary Kendall said:

Financial management has remained a top challenge for the department.

Why don't we fix it? You cannot fix what you cannot measure. Yet we are going to add this bloated bill.

There is something everybody should know. For the Native American schools in this country, we are spending a billion dollars a year for 50,000 kids. And when you look at performance, what you see is something akin, in many areas, to Washington, DC—not all but in many. The cost per student running through that is $20,000. We could put them in the best private schools, with the best private teachers, and bunk them, for $20,000 a year. Yet we continue to allow this.

BLM grazing fees collected were $12 million in fiscal year 2004—that is the latest year for which we have numbers, which tells you something about the accounting—even though the cost to implement the grazing program was $58 million. We would be better off eliminating the grazing program and saving $46 million.

So what is it about this bill that has had me so persistent? I will tell you. It is a great example of what we do wrong. It is a great example of the worst tendency of Congress. We were in an energy-short environment, and even though it doesn't feel that way today, it will feel that way 10, 12, 18 months from now. We are going to eliminate the potential for us getting out of it. We are going to add significant responsibilities to an agency that both the GAO and their own IG says is in trouble. Yet we don't approach anything to fix it.

We are going to make everybody feel good in this body because they all have something in the bill and they can go home and say: Look what I did, look what I accomplished. I got something that is important for our State. The problem with that thinking is that, when we only think in a parochial manner—if I only think about Oklahoma or if the Senator from Texas only thinks about Texas or any other Senator thinks only about their State and themselves—the whole country loses. Not once in our oath does it say that our allegiance is to our State. What it says is that our allegiance is to our country. And if our country is not healthy, no State can be healthy. Yet we have allowed parochialism and the politics of the Senate to design a bill that, for sure, will pass but which in the long run is going to be harmful to the country. It is going to pass. It will have 65 or 70 votes, maybe even 80 votes, because the press release at home is more important than the principle in Washington. Consequently, not only will we spend this $11 billion and overburden an agency that is struggling to keep itself above water, we will commit the Department of Interior to further backlogs, further problems, and we will strangle our ability to respond both with clean energy and the energy we know we are going to need for the next 20 years the next time the supply-demand balance gets upset.

The question the American people ought to ask is, Is it worth it? Is it worth it for somebody from Oklahoma to get something and to do this to the Nation as a whole? Is it responsible? Is that how our country is going to work in the future? Are we going to always place parochial interests first or are we going to go back and grab ahold of the heritage which made this country great, which says the politician doesn't matter; the principles and forbearance of our forefathers in accomplishing what is best for the nation, is that going to win the day? My thoughts are that it won't. When it doesn't win the day, I don't lose—I fought for it—but my kids lose, my grandkids lose, and so does everybody else in this country. In the name of playing the good game, what we are doing is undermining our country.

We have a lot of financial problems in front of us today. We as a nation can get out of those problems. As a matter of fact, we will get out of those in spite of the U.S. Congress because what makes America great is its people, not its politicians. What makes America great is the fact that the people get up every day, and no matter what is ahead of them, they will struggle to try to defeat the problems in front of them to make a better life for themselves, their kids, and their neighbors. We could learn a great deal from the average American citizen as we approach the legislation.

This little bill, which I assure you nobody in this body has read, is a compilation of 170 bills—some good; some don't have any of the negative effects I have described. But 50 of them are going to have devastating effects. And how we respond, how the American people respond to our doing this, is going to reflect on the character of the American people. They need to become informed about what we are doing.

Later today, we will have a unanimous consent that I thank the majority leader for. He has the toughest job in the Senate, and I recognize that. I have given him fits on this bill. I don't apologize for that. I think this bill is the wrong thing at the wrong time for the wrong reason. But we will have a unanimous consent agreement that allows six amendments, which I will offer either later this evening or tomorrow, which eliminate some of the stupidity in this bill. It won't fix the bill. It won't fix the problem I have described.

We are then going to walk out of here happy, because it will go back to the House, not have a chance to be amended in the House, and the President is going to sign a bill that is going to hurt our energy independence. We are going to hear all sorts of statements to the contrary, but that is not true. The fact is it is going to hurt our capability of becoming more self-sufficient for our own energy needs.

So a year or 18 months from now, when you are no longer paying under $2 for gasoline, and it is $4, I hope the American people will remember this bill, because this is the start of the battle against undermining utilizing our own resources in our own country for what is in the best long-term interest—not the short-term—for our country. And it doesn't have anything to do with climate change or global warming. Because if it did, we wouldn't worry about 20 years of carbon usage when we know we are going to go away from it.

Mr. President, I thank you for your patience and the time today. I yield the floor, and 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. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I have a unanimous consent agreement that I am going to propound, and I believe it is acceptable on all sides.

I ask unanimous consent that all postcloture time be yielded back, and the motion to proceed to H.R. 146 be agreed to; that once the bill is reported, the Bingaman substitute amendment, which is at the desk, be called up for consideration; that once the substitute amendment has been reported, it be considered read; that the following list of amendments be the only first-degree amendments in order; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then vote on passage of the bill, that passage of the bill be subject to a 60-vote threshold; that if the threshold is achieved and upon passage, the motion to reconsider be laid upon the table; that the

title amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table; provided further debate time prior to a vote in relation to each amendment be limited to 60 minutes, equally divided and controlled in the usual form; and that no amendment be in order to any amendment prior to a vote in relation thereto; that if there is a sequence of votes in relation to the amendments, then prior to each vote in a sequence, there be 4 minutes of debate, divided as specified above, and that after the first vote in any sequence, subsequent votes be limited to 10 minutes each.

Here is the list of amendments: Coburn amendment No. 680, regarding barring new construction. The second is Coburn amendment No. 679, regarding striking provisions restricting alternative energy. The third is Coburn amendment No. 683, regarding striking targeted provisions. The fourth is Coburn amendment No. 675, regarding eminent domain. The fifth is Coburn amendment No. 677, regarding annual report. And the sixth is Coburn amendment No. 682 regarding subtitle D clarification.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to proceed is agreed to.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

AMENDMENT NO. 684

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 684.

(The amendment is printed in today's RECORD under ''Text of Amendments''.)

Mr. BINGAMAN. Mr. President, at this point I believe I intend to put a quorum call in. My colleague from Idaho is going to speak in a few minutes, as I understand it, to discuss some of the issues involved with the legislation. I plan to speak myself and then we will await Senator COBURN's return to the floor so he can call up the first of his amendments.

I am informed that the Senator from Oklahoma wishes to speak. Accordingly, I will not put in a quorum call at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, a lot of my colleagues have come down and talked about the outrage at the excessive bonuses for AIG executives after, then, the $180 billion bailout. I think we should be mad at a lot of people, I guess, right now—certainly the executives who were the ones who ran what was once a great company into the ground. But that is not where the blame ends. It is not where the buck stops. I know I will upset some of my colleagues when I remind them and the American people that much of the blame should be directed right here in this Chamber to Members of this body, the Senate, and to the other side of the Capitol, because that is where it all started in October.

It was October 10 when 75 percent of the Senators voted to give an unprecedented amount of money to an unelected bureaucrat to do with as he wished. This happened to be $700 billion, the largest amount ever authorized, if you could use that word, in the history of the world. So 75 percent of the Senators in this Chamber said to both Treasury Secretary Hank Paulson and Tim Geithner—let's keep in mind he was in on this deal, too—when voting in favor of the massive bailout, to go ahead and take the $700 billion and do anything with it you want.

How can they support giving money to a bureaucrat to ''do anything you want''? There was nothing there. He gave a promise. He said it was to go buy damaged assets, but he didn't do that. Instead, that money went to banks and I don't know that there are any positive results in the way of credit as a result of that effort.

When it comes to AIG, outrage doesn't even come close. I have said from a long time, from the outset, in fact, that the Federal Government needs an exit strategy for its entanglement in the financial system. The revelation that AIG is trying to give hundreds of millions of dollars in bonuses at the same time it is the recipient of the largest government bailout in history shows why. How can you give out bonuses when the taxpayer has to rescue you from sudden failure? What are these bonuses for exactly?

I understand bonuses should be a reward for a job well done. It is pretty clear when they are getting bailed out by the taxpayers it was not a job well done. What could possibly justify the bonuses? I normally would not support having the government try to micromanage pay packages in any industry, but these are not normal times. AIG has received almost $180 billion in U.S. taxpayers' bailouts. The U.S. Government owns 80 percent of the company. How the executives at AIG do not get the fact that these are not normal times is absolutely mind boggling.

I have been saying for a long time we need a change of course in our approach to the financial bailouts. President Obama's Treasury Secretary came out over a month ago, February 11, and he said he had a plan for changing course. We have been waiting since February 11 for that plan. Nobody has it. We do not have any idea if anybody has a plan out there, but certainly we have not heard anything from Tim Geithner.

I don't know how people at AIG, giving out or receiving a bonus right now, can look themselves in the mirror, but my colleagues and I in Congress can look you in the eye right now and say if we do not see action on this and action on it soon from the administration, you can be sure we will do all we can to right this wrong to get these bonuses back.

There are several people working on how, mechanically, that would work. But above all, we need the people to demand a change in course when it comes to a financial rescue approach.

I hesitate saying this but—and I hope this will never happen again—at the time, October 10, when a decision was made to influence 75 percent of the Senators in this Chamber to give $700 billion to an unelected bureaucrat to do with as he wished and then we turned around and complained about what he did with it was not reasonable. I hope this never happens again.

With that, I believe there are some things in the works now that are going to change this situation. I hope we can be successful. It is unconscionable what has happened.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CRAPO. Mr. President, I am very pleased today to stand in behalf of and support of H.R. 146. This is what we passed earlier in the Senate as S. 22 and now, because of the procedural necessities between the House and the Senate as we seek to provide an opportunity for this legislation to reach the desk of the President, it has been amended to H.R. 146.

To call this legislation bipartisan is an understatement. This bill contains over 150 individual provisions sponsored by almost 50 different Members, almost half of our colleagues in this Senate. It represents every region of the country and has almost an equal number of bills from each side of the aisle. It is going to provide significant protections to existing public lands, improve recreation, cultural and historic opportunities, and provide important economic benefits for rural economy States such as my home State of Idaho.

Every bill in the package has gone through regular order. Most have had multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority, the Owyhee initiative, are the result of years of extensive collaboration at the State and local levels

in conjunction with elected officials, businesses, community leaders, outdoor enthusiasts, and other stakeholders. This legislation has been in preparation, also, for years. In fact, many of the provisions included in this legislation were initially worked on by the Energy Committee when the Republicans were in control of the Senate and Senator Pete Domenici was the chairman of the Energy Committee.

Additionally, there is no direct spending in this authorizing bill. The package does not have any bills that have a CBO score without an offset, meaning that the spending authorized in this bill is offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by nature will contain elements that are troubling to some, the Energy Committee negotiated the inclusion of each bill in this package to successfully reach a compromise on which both sides of the aisle could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but both sides made concessions and believe the result is something they can put their support behind. As a result, this omnibus lands bill is widely supported and represents a diverse group of interests from every region of the country. Because of this, I strongly urge my colleagues to support its passage swiftly this week.

Some are attacking the bill by saying it is a huge omnibus bill that contains over 150 separate individual pieces of legislation and that because it is so large, that is a reason to oppose it. Frankly, I am one of those in this Senate who does not like the notion of taking smaller pieces of legislation, in general, and packaging them into large omnibus bills without allowing those bills to go through orderly process and without allowing the committee process and the amendment process on the floor to fully work. This is not the first time this legislation has seen the floor of the Senate, however. As I said earlier, it has already passed the floor essentially in the same format as the proposed amendment of the Senator from New Mexico, as S. 22. It was on the floor previously and essentially in the same shape and we debated it multiple times.

As I said, the individual pieces of this legislation have moved through the Energy Committee and have been approved by the Energy Committee as this process was followed.

Historically it has been the way the Energy Committee approaches public lands legislation, to put them into large groups. Why? As I said, there are 150 pieces in this particular bill. Previous to this bill was another one which I believe had somewhere over 70 different pieces, and I will bet the Energy Committee today has another 50 or 70 or 100 pieces of legislation waiting for consideration. If every single one of them moved individually on the floor of the Senate, we would have little time on the floor for any other type of business.

It has become a working procedure that these bills are grouped together and moved in one unit as we work among ourselves with regard to land management issues in our respective States so we can move forward.

Let me give an example of what I am talking about, relating to my own specific state, Idaho. As I have indicated, my top legislative priority, the Owyhee initiative, is included in this bill. I am going to talk further about it in a few moments. But that is not the only bill relating to Idaho that is in this legislation. As a matter of fact, there are five or six bills in this legislation that relate to my home State of Idaho. Let me give an example of what they are so you can see why it is these bills are collected together and moved as one unit.

One of them is S. 2354, the Twin Falls Land Exchange.

This bill transfers four specified parcels of land in Twin Falls, ID, from the BLM to the city of Twin Falls, ID, for use to support the Auger Falls Project, which is a community park and recreation area.

Again, many people who are not from the West, who do not realize how large the areas of public land are that we have out here, do not realize that when we make adjustments to land ownership between the Federal Government and the city or the county or other private entities, it requires an act of Congress. That is what one of these provisions in the bill is, an uncontroversial bill for this land exchange between the BLM and the city of Twin Falls.

Another one is S. 262, to rename the Snake River Birds of Prey National Conservation Area as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, who is an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area—the change of the name of a conservation area.

Another of those pieces of legislation relevant to my home State of Idaho is the boundary adjustment to the Frank Church River of No Return Wilderness, another huge area in Idaho which has been previously, years and years ago, designated as wilderness, where we need to make a few boundary adjustments to include and exclude some specific lands.

Another one is S. 542. The name is Snake, Boise, and Payette River Systems studies. This legislation authorizes the Secretary of Interior, acting through the Bureau of Reclamation, to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River Systems in Idaho that are considered appropriate for further study by the Bureau of Reclamation water storage assessment report; in other words, to help us manage our water issues in Federal lands that are managed in the State of Idaho. This legislation authorizes this important water study for the people of our State.

Another of the bills in this package relating to the State of Idaho is the reauthorization of the National Geologic Mapping Act of 1992. This amends the National Geologic Mapping Act to extend the deadlines for development of a 5-year strategic plan for the geologic mapping program and for appointment of an advisory committee.

That applies a little bit more broadly than just to Idaho, but it is very important in Idaho that we have the proper and final conclusions of this mapping process for our State's land management.

There are other pieces of legislation within this package that are not specific to Idaho but are very relevant to the citizens of other States. For example, one of the bills, S. 2593, is called Forest Landscape Restoration Act of 2008, which establishes a collaborative forest landscape restoration project to select and fund ecological restoration treatments for priority forest landscapes, an important part of our forest management policy that we have been working on for some time to get a more collaborative and effective way to manage our forests in our country.

Another piece, the Ice Age Floods National Geologic Trail Designation Act—this one designates the Ice Age Floods National Geologic Trail, a trail from Missoula, MT, to the Pacific Ocean, to proceed for the public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods.

Again, I point these out simply to show the broad variety of the types of land management decisions and acts, pieces of legislation that are included in this bill, which is being attacked as something that was just thrown together in a haphazard fashion by those who wanted to expand the role of the Federal Government in controlling the public lands.

I can tell you, in my home State of Idaho, there is very strong resistance to increasing the reach of the Federal Government. The decisions that we have made in supporting these types of legislation have been made in terms of trying to protect and preserve those very kinds of issues.

I will mention one more, S. 2875. This is one that is very important to us in the West, probably not that big of an issue in the East. It is called the Wolf Livestock Loss Prevention and Mitigation Act, introduced by Senator TESTER of Montana. I am a cosponsor of it. It authorizes the Secretary of the Interior and the Secretary of Agriculture to establish a 5-year demonstration program to provide grants to States and Indian tribes to assist livestock producers with respect to losses they may acquire on Federal, State, private, or Indian land, to undertake proactive,

nonlethal activities to reduce the risk of livestock loss as a result of predation by wolves.

The reason the predation of wolves has become an issue is because under the Endangered Species Act, the wolves have been reintroduced into this area. Now a conflict has arisen as to wolves that, frankly, are predators with regard to livestock. This legislation in some States is not an issue, might be irrelevant. To people in my State, it is a huge issue. The bill continues with issue after issue in other States where Senators, with the renaming of recreation areas, the adjustment of boundaries, the establishment of water studies and the like, have been working with land management issues in their States to proceed with rational, well thought out policy changes that they and their States support. I do not believe there is a single piece of legislation in this bill that is not supported by the Senators from the States in which the land sits, where the legislation impacts.

Now, let me take a few minutes while I wait for my colleagues who want to come and bring amendments. I would say right now to my colleague from Oklahoma or any others who would like to come and either debate this matter on the floor or bring forward an amendment and be given the amendment consideration process, that I am prepared to work with them as soon as they arrive on the floor for that purpose. But until they arrive, let me talk a little bit about the Owyhee Initiative.

I said earlier it was my No. 1 priority for this legislation. Many people, when I say ''Owyhee,'' wonder if I am saying ''Hawaii.'' It is Owyhee, O-w-y-h-e-e, and it is named after the Owyhee Canyonlands in southwestern Idaho, one of the most beautiful places that you can find in many parts of this country, but one of the most beautiful parts of the country with a tremendous and rich environmental and cultural heritage.

It is also an area where we have been having conflicts over land management policies for decades. Conflict among whom? Well, in this area, this beautiful gorgeous area of Idaho, not only do we have a rich environmental heritage and flora and fauna that abound, but we have livestock owners and ranchers. We have two Indian tribes. We have an Air Force training range both on land, as well as the air rights that impact on the area.

We have, as you might guess, hunters and fishers, and those who would like to recreate in the area in off-road vehicles or backpacking or rafting on the rivers or any number of other ways. And the types of uses that people want to put this gorgeous land to occasionally—not occasionally, regularly—come into conflict. Because of that, 8 years ago I was asked by a number of those from different interests in this land to see if I would host a collaborative effort to bring together those interested in all different perspectives, and instead of fighting in court or fighting in public hearings to sit down around the table and see if we could not collaboratively work out a solution.

I agreed to do so, and we started the Owyhee Initiative. That was literally about 8 years ago. Since that time, I am pleased to tell you that this collaborative effort between all levels of government, multiple users of public land and conservationists to resolve these decades-old heated land use battles in the Owyhee Canyonlands have come to a conclusion by all who support this legislation.

Now, I cannot tell you that literally every interest group possible supports it, but I can tell you that with the exception, in my opinion, of those in extreme positions, the vast majority of the people of Idaho and people across this country with interests in this great land are supportive of this land management act which has been proposed in Congress.

Owyhee County contains some of the most unique and beautiful canyonlands in the world, and offers large areas in which all of us can enjoy its grandeur. Now, 73 percent of the land base in this county is owned by the United States of America, and it is located within 1 hour's drive of one of the fastest growing areas in the Nation, Boise, ID. This combination of all of this incredible bounty, the closeness to a very large, growing population and the large amount of land ownership by the Federal Government, together with all of these other multiple uses to which the people who love the land want to put it to, has resulted in an explosive effect on property values, community expansion development, and ever-increasing demands on public land.

Given this confluence of circumstances, Owyhee County can certainly be understood to be a focus of conflict over the years, with heated political and regulatory battles that many thought would never end. The conflict over the land management is both inevitable but also understandable. And the question we face is, how do we manage it?

The wonderful people I will mention who worked on this effort came together and were able to find win-win solutions where everybody was better off with this legislation than with the status quo. The county commissioners said enough is enough, and I have to give credit to them for their tremendous work.

As we went forward, we ran into some sharp turns and steep inclines and burdens and hurdles in the roads, sharp rocks, deep ruts, sand burrs, what have you. But we worked hard for the last 7 or 8 years to come up with this legislation which I now support.

The commissioners appointed a chairman, an extraordinary gentleman, Fred Grant. They formed a work group that included the Wilderness Society, the Idaho Conservation League, the Nature Conservancy, Idaho Outfitters and Guides, the U.S. Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, the Shoshone and Paiute Tribes, and others to join their efforts. They all worked together, and we came up with this legislation.

Now, I see that others have come in, and I believe they may want to begin making remarks, so I will wrap up rather quickly. I have a list of the names of the individuals who worked so hard over the years to bring together a win-win situation for the people of Idaho.

These people came from groups and institutions and interests that historically have been battling head to head. Instead, they were willing to work through this in a way that I believe sets a tremendous example for how we should approach land management decisions and conflicts in this Nation.

That is another reason this important legislation should pass. This legislation, some call it a wilderness bill, and it does have wilderness in it—I call it a comprehensive management bill, not just wilderness, but wild and scenic rivers. It deals with cattle and ranching. It deals with private property ownership. It deals with off-road vehicle use. It deals with travel plans. It deals with hunting and fishing and outfitters and the guides and all of the other different aspects of the way that people would want to use beautiful land like this.

I commend the commitment and leadership of everybody who has worked to make this legislation possible. Today is a very important day for them. Although we will probably still spend some time on the floor of this Senate working on this and the other important issues in this legislation, it is my hope we can expeditiously handle the amendments that have been proposed to this legislation and then move forward with just as expeditious activity and send this legislation back to the House for, hopefully, its final consideration.

Again, I thank my colleagues for their forbearance and for listening to this one more time. I am looking forward to the debate that we will have on the authorized amendments that have been made in order. I will work with my colleagues to assure that we pass this legislation as quickly as possible.

I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman; the Owyhee County Commissioners: Hal Tolmie, Chris Salova, and Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to Colonel Rock of the U.S. Air Force at Mountain Home Air Force Base; Craig

Gherke and John McCarthy of the Wilderness Society; Rick Johnson and John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County; Dr. Chad Gibson representing the Owyhee Cattleman's Association; Brenda Richards representing private property owners in Owyhee County; Cindy and Frank Bachman representing the Soil Conservation Districts in Owyhee County; Marcia Argust with the Campaign for America's Wilderness; Grant Simmons of the Idaho Outfitters and Guides Association; Bill Sedivy with Idaho Rivers United; Tim Lowry of the Owyhee County Farm Bureau; Bill Walsh representing Southern Idaho Desert Racing Association; Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication.

I would also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for 5 minutes and, at the conclusion of my remarks, the Senator from Vermont, Mr. SANDERS, be recognized.

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

AIG EXECUTIVE COMPENSATION

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the question of executive compensation triggered in particular by the recent round of bonuses paid to executives at AIG who had such a significant role in putting America into the economic distress we are in now. I have vented probably 50 times over this already, so I have calmed down a bit, but it is truly infuriating. I believe all my colleagues share how frustrating and infuriating it is. What is it about these people? They don't seem to get it. At long last have they no sense of humility? Have they no sense that their wretched corporation would not even exist today if it were not for the good will of millions of American taxpayers whose own economic future is being put at risk to prop up this corporation? Then they turn and do this?

It is not only I. I was in Rhode Island over the weekend. I stopped at Coffey's service station to have the oil changed. It was the one thing the mechanics were furious about. People don't come up to me and talk about issues all the time. I am a pretty normal person. We bump into each other, and we talk about various things. They were all over this. I stopped at Amenities Deli in Providence to pick up coffee and a muffin. Rosie, who runs it, all over this. I went to a meeting with the police chief and some community organizers in Olneyville. There was the local media, the radio stations, all over it. People are so angry.

What has happened is, the view has appeared that there isn't anything we can do about this. What I would like to say is, I believe that view is wrong. I am pleased President Obama has directed Treasury Secretary Geithner to use the Treasury's leverage and pursue every single legal avenue to block these bonuses and make the American taxpayers whole.

It is not just these bonuses. There is more out there. The Wall Street Journal reported weeks ago that there is $40 billion in deferred executive compensation waiting to be paid to recipients of the TARP plan of Federal taxpayer generosity. We are not doing anything about that either. The problem is fairly simple. In the ordinary course, these companies which have wrecked themselves would ordinarily be insolvent and would ordinarily go into bankruptcy. In bankruptcy, you would have a judicial forum. The court would make determinations about who gets paid under a regular schedule. These executive compensation schemes—deferred compensation is a tax dodge, so how wonderful that that should be favored now—these compensation schemes come at the very end. You line up at the back of the line with the unsecured creditors and you may get paid only pennies on the dollar. But because of their importance, because they were too big to fail, because we had to keep our financial system going, we could not allow them to go into bankruptcy. That was the decision. That took away that judicial forum.

Because we haven't replaced it under American law, where you can't undo a contractual obligation, you can't willy-nilly take it away, not without providing due process of law, all the way back to that case that all of us learned in the first year of law school, Fuentes v. Shevin. When the sheriff came to take away Mrs. Fuentes' stove because she hadn't paid for it, the Supreme Court said: You can't take Mrs. Fuentes' stove away, even if she hasn't paid for it, not without giving her a chance to be heard. So we have to create a place where the Government can go to contest these executive compensation schemes and have a proper due process hearing and air it out before the people.

The legislation I have proposed is called the Economic Recovery Adjustment Act of 2009. It would permit the Government, after notice and a hearing, consistent with due process principles, to reduce excessive executive compensation obligations at financial institutions that have received Federal bailout funds. It would also create an office of the taxpayer advocate in the Department of Justice to take the other side in the contest between the executives and the public, the Department of Justice would represent the public. Finally, you would set up a temporary court, a temporary recovery oversight panel of sitting bankruptcy judges. You don't have to create new positions. You take sitting bankruptcy judges and create a temporary panel and you can get this heard.

I don't wish to speak long. I know the distinguished Senator from Vermont is waiting. I do wish to assure my colleagues that if we want to ventilate about this, if we want to wring our hands about it, if we want to give speeches about how it is outrageous, we can do that. But if we actually want to do something about it, within the constitutional restrictions of the United States, I believe the bill I have proposed will allow us to do it. Frankly, I don't see another way. I invite colleagues to discuss it further with me. I don't think I have an exclusive piece of wisdom here. I do think there may be ways the bill could be improved. I am willing to listen to anybody.

I can't tolerate a situation in which we do nothing, in which we unilaterally disarm the U.S. Government from doing anything about this compensation by failing to set up the basic judicial method through which we could take a look at this and try to make things right.

Again, I invite my colleagues to be in touch on this, if they are interested in pursuing it. I think it is necessary. I appreciate the indulgence of the Chair. I appreciate the indulgence of the distinguished Senator from Vermont.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, it is hard to know how to begin because there is such a huge sense of outrage today in our country at what Wall Street has done through their greed, through their recklessness, and through their illegal behavior. The so-called masters of the universe, the best and the brightest, have plunged our Nation and, in fact, the world into a deep recession and taken us to the edge of a major depression.

In my State of Vermont and all over the country, what we are seeing is good, decent people losing jobs, losing homes, losing savings, losing their hopes for a future because of the greed and recklessness of a small number of people on Wall Street.

Everybody understands that one of the major institutions that has taken us into the financial mess we are in today is AIG. Over the past several years, AIG has moved away from being the largest insurance company in the world to becoming the largest unregulated gambling hall in the world. That is what they have done. As a result of the risky bets that AIG had made and lost on, the taxpayers have spent $170 billion bailing them out. That amounts to some $600 for every man, woman, and child.

During much of this period, Hank Greenberg, former CEO of AIG, was

able to amass a personal fortune of close to $2 billion. In 2007, he was one of the wealthiest people in the world. Even after the collapse of AIG, Mr. Greenberg is still worth close to $100 million, according to Forbes magazine.

Having helped cause this financial disaster as a result of their reckless and irresponsible behavior, it is beyond comprehension that these same people, the best and the brightest, would actually believe they are entitled to millions of dollars in bonuses. Think for a moment. These are the people who have caused one of the great financial disasters in the last 70 years, and they are sitting back and saying: For all of my fine and excellent work, I am going to be rewarded with a $3 million bonus or whatever it may be.

It goes without saying that we have to hear the outrage of the American people and say: Enough is enough. I have signed on to two letters which essentially tell these people who have received their bonuses to give them back. If they don't give them back, we are going to pass a surtax on those bonuses so the taxpayers will, in fact, receive back what we gave them. In my view, what we have to move to is legislation, to what I proposed, along with Senators LINCOLN and BOXER, which was called ''stop the greed'' legislation on Wall Street.

The President is paid $400,000 a year. I think the President will survive on that sum of money. It seems to me that when taxpayers are spending hundreds of billions of dollars bailing out large Wall Street firms, we should make it very clear that none of their executives should be entitled to earn more than the President of the United States. They can, in fact, get by. I know it will be hard, but I expect they can survive on $400,000 a year when the taxpayers of this country are bailing them out.

More importantly and, in fact, for another lengthier discussion, we need to move to a new concept of what Wall Street should be doing. Bankers historically in our country and in the world play a very important role in providing credit to businesses that then create jobs, providing credit to individuals who can purchase homes and other necessities. That is what bankers historically have done. But over the last number of years, what Wall Street has become is not a place where responsible loans are made but a gambling hall where these guys have made huge sums of money in very risky investments that have failed. The taxpayers are now bailing them out.

We need to rethink the function of Wall Street. I, personally, believe that all these CEOs who are responsible for the crisis we are in right now should be leaving their positions. I would hope business schools will be educating financiers and business people to take the position that their job is to help this country, help create decent-paying jobs, help people get the homes they need, help people get the loans responsibly that they should have. That is a radical idea, I know. But I would hope we can move toward a Wall Street which has those values. The American people are sick and tired. They have had it up to here with a Wall Street that has seen their only responsibility being to make as much money as they possibly can in any way they possibly can.

Having said that, immediate action in stopping these bonuses is the order of the day. Longer term, we need fundamental reforms in the way Wall Street does business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleagues from Vermont and Rhode Island for their comments. I certainly support what they have had to say.

When my kids were growing up, my daughter's favorite movie was the ''Wizard of Oz.'' It had that great ending, of course, when this massive wizard who held everyone in thrall, they finally pulled the curtain back, the little doggie did, and there was this gnomish character sitting in front of a microphone. Everybody stepped back and said: All these years that we have been afraid of the great Wizard of Oz, it turns out it is just a little fellow back there.

I wish to thank the bonus babies at AIG. They managed to trip up the curtain and we took a look and saw what was behind it. What was behind it was unvarnished greed. These are people who would not have a job today were it not for the hard-working taxpayers of America putting $160 billion of our tax money into their failed corporate experiment, an experiment that failed and they knew it would, when they went overseas to London and had 300 of their best and brightest dream up a plan to issue insurance policies that couldn't pass muster by the laws and regulations of the United States. Somehow they dreamed it up in London, executed it, and the next thing you knew American taxpayers were holding the bag. It was a big bag; some say $1 trillion or more of liability.

So the time came when Secretary Paulson and Chairman Bernanke called the leaders from the House and Senate into a private meeting last October and said, in a very quiet manner: If we don't do something and move quickly to do it, the American economy could collapse and the rest of the world may follow.

Now, that is the kind of conversation you do not forget around Capitol Hill. I will never forget it. We said: What do you need? They said: We need hundreds of billions of dollars to ride to the rescue of AIG and all these other entities that are teetering on collapse.

So what did we do? Most of us said: We have no choice. If the alternative is to do nothing and watch businesses and families fail, we cannot let it happen. So we gave this authority to the previous administration to try to move in and prop up the economy and get it moving forward again.

Well, about $350 billion later, people said: What happened? Did it solve our problems? No. We are still in a recession. Did it save banks? Perhaps some for another day. But the economy is still struggling. We ended up saying to American taxpayers: Now you will become investors in these teetering and failing financial institutions.

That is what brings us to today. It turns out we own about 79 percent of the value of AIG—once the world's largest insurance company. Now it is subsidized by American taxpayers. Were it not for that subsidy, it would have fallen flat on its face in bankruptcy, as Senator WHITEHOUSE mentioned earlier. In bankruptcy, the sanctity of the contract is set aside. The bankruptcy trustee and judge sit back and decide: What are we going to do with limited assets and dramatically larger liabilities at the end of the day? They rewrite contracts. They basically come to different conclusions.

We saved AIG from that fate as taxpayers, and what reward do we have to show for it? Millions of dollars in bonuses paid to employees who failed, bonus babies at AIG who could not get enough. After $160 billion of taxpayers' money, they wanted their own personal bonuses to take home. As families across America struggle, losing their jobs, losing their homes, watching their savings accounts diminish to virtually nothing, these folks wanted to walk off with a bonus. For good work? No. A bonus for bad work.

So this morning a couple people ventured out to defend them. I could not wait to read those articles. One of them said: These people know where all the bodies are buried. They know the intricacies of these insurance policies. We need them. They know the secret rocket fuel formula. If they leave, someone else may never discover it, and we could lose even more money.

I am not buying it. America should not be held hostage by the bonus babies at AIG. The fact is, what we have seen here is greed at its worst, incompetence rewarded, and people bold enough on the Federal subsidy to want to take a million dollars or more home for a job not well done.

Well, there are several ways we are going to try to send a wake-up call to these bonus babies at AIG. One of them is a provision that Senator BAUCUS of the Finance Committee has proposed, which is virtually going to impose taxes on them so, at the end of the day, after they pay their tax bill, there is nothing left. After they have paid their Federal and State and local taxes, there will not be anything left of these bonuses.

I do not know if they will have the good sense to realize this was a terrible corporate decision, but we have to send this message loudly and clearly. If America's taxpayers are on the line, then, frankly, these people, who now

work for us and work for this Government, are not entitled to a bonus for their misconduct and incompetence.

(The further remarks of Mr. DURBIN pertaining to the introduction of S. 621 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Arizona.

Mr. KYL. Madam President, I would like to discuss the legislation before us, the so-called public lands bill and, in particular, four of the amendments that have been offered by Senator COBURN.

I think four of these amendments are—I have not concluded my study of the other two, but four of these amendments I would commend to our colleagues and suggest that at least a couple of these amendments should not deter passage of the bill. If they are adopted by my colleagues—and I think they should be—they are in no way a poison pill. They should not cause the House of Representatives to reject the bill in any way. The bill should go on to the President. So for those who are supportive of the legislation, I think these amendments simply improve the bill, and they are offered, I know, by Senator COBURN for that purpose.

If I could discuss each of these amendments—I am sorry I do not have the numbers for them, but I will describe them briefly.

One is an amendment that would specifically strike out spending in four or five specific areas that are earmarked in the bill. It would save about $25 million. This is symbolic, but $25 million is still a lot of money to some of us anyway.

They are five specific areas: to celebrate St. Augustine's birthday, a party for that purpose; botanical gardens in Hawaii and Florida; salmon restoration in California; Alexander Hamilton's boyhood estate in the Virgin Islands; and something called the Shipwreck Exploration Program.

I am sure the authors of those provisions will come to the floor and describe in detail why these are such important programs and should be included in the legislation, and I will look forward to those explanations. Perhaps they will be persuasive. At this point, without further explanation, they look like the kind of thing that should not be a part of an omnibus bill such as this and could be stricken, as a result of which I am inclined to support my colleague's amendment to save $25 million by striking those particular items.

The next deals with the subject of eminent domain. The Federal Government acquires a great deal of land under this legislation for different purposes, including wilderness areas. There are other provisions to protect other kinds of property short of wilderness areas. The point of Senator COBURN's amendment on the use of eminent domain is to just ensure that in no case is private property being taken against the wishes of the private landowner.

I think we would all agree that if the Government is acquiring a piece of property for a public purpose—let's say for a military base—the use of eminent domain is appropriate in that case. The Government has to establish that there is no reasonable alternative to the taking of the particular private property, and then if it can establish that, it can take possession of the property and then a trial ensues as to what amount of money is the proper compensation to the owner for the land. That is the usual and appropriate use of eminent domain.

However, we are told that with respect to this legislation, it is not necessary to use eminent domain to acquire land in that way. The reason is because in every case—at least my staff advises me—the land that is owned by private landowners that would become publicly owned under this legislation has the approval of the private landowner. Specifically, a staff report says that:

> None of the component parts of the omnibus land bill anticipate the use of eminent domain, and all land exchanges and conveyance provisions include willing seller-buyer provisions, or were advocated by the private landowners in each specific provision of the bill in which they are involved.

It is further noted by the staff of the committee that:

> Great attention was given to private property rights issues. They were addressed on a case-by-case basis.

This omnibus bill is comprised of tens or scores of individual bills that were then added together into this one giant omnibus bill. So we are told that:

> On a case-by-case basis as to each particular bill, private property rights were protected and respected. In many instances, the land designations only affect land that is already publicly owned so it is not even an issue, and for those bills that may affect privately owned land, some of the purchases were actually authorized at the request of the landowner and some contain language that allows land to be purchased only from a willing seller.

My point is that apparently, at least according to the minority staff, great attention was taken to ensure that the Government in no case in this bill is taking land against the wishes of the landowner. The point of Senator COBURN's amendment is to ensure that that is the case, that he would prohibit the use of eminent domain for the acquisition of land under the bill. So if it is true, as the staff suggests, that none of this land needs to be acquired by eminent domain, there is absolutely no harm in including the language that prohibits the use of eminent domain. The language in the bill is very brief. I think it is one or two sentences long. In fact, let me read it. It simply says:

> Notwithstanding any other provision of this Act or amendment made by this Act, no land or interest in land other than access easements shall be acquired under this Act by eminent domain.

That is it, short and sweet.

The reason I think it is important is that it establishes an important principle: that the Congress will not allow land to be taken against a landowner's wishes for purposes other than the usual purposes for which eminent domain is used, where the Government has to have the property. There is no other alternative, as in a military base, as I said, where you are simply acquiring property because it is a good idea. You want to protect a particular riparian area of a river, for example. What we do there is we acquire that land either by purchasing it from a willing seller or engaging in a land exchange. Those are the two typical ways of accomplishing this—both very appropriate. But it is not a case where the Federal Government has to have the land in the public's interest, as with the military base. So we don't use eminent domain ordinarily in a case such as this.

All Senator COBURN is trying to establish here is that we are not going to change that principle and that the Senate adheres to the principle we have had in the past. We want to establish this precedent and continue to live by it—that eminent domain isn't used in circumstances such as this.

I think that is a worthy amendment, and I think, frankly, if we reject it, it raises a question of why. Why would we want to preserve the right to use eminent domain if apparently there is no reason for us to do so? It, as I said, leaves hanging the question of whether we might use eminent domain in a situation where otherwise it wouldn't be called for.

There is another amendment that I think clearly ought to be approved by my colleagues. I don't know why this hasn't been done—I know it was done a long time ago and it needs to be done again—and that is to simply require a report that details the amount of Federal land we have. This would be a public report that would be done—it would be updated each year, and it would detail Federal land ownership and the cost to maintain that land and the relative percentage of that land to the total, which would be very helpful information.

I understand Senator COBURN has added one other amendment to this because there was a question raised about the fact that some Federal land serves a military purpose or an intelligence purpose which cannot always be disclosed publicly. So, correctly, he provides for a classified annex that would provide the ownership of the lands used for classified purposes. Members who are entitled to see that would be able to see it, but it wouldn't be available to the public generally, and that is frequently the way that classified material is handled. So I think that is a good amendment. There is no reason to oppose this. It is important for us to know how much land the Government owns.

Let me put it this way: You are a landowner. Somebody says, How much

land do you own? You know exactly how much land you own. You know where it is, what it does, how much it costs to own it, what the taxes on it are, and so on. It is important, if the Federal Government is going to be a good steward of both the land and taxpayer money, that it know what it owns—what we own. Do we need it all, would be one of the questions. Are there pieces of land that could be sold? The Government could use the money. Maybe we could dispose of some of this. In fact, there has always been a list of disposable lands owned by the U.S. Government, and frequently we acquire land in trades and so on, and there is a lot of buying and selling going on, and that is perfectly appropriate. So let's have an inventory of what we own and we can make decisions better as to whether some of that land could be sold or whether we need to retain it all, but at least we will know how much it costs to retain it and how much we have.

I think that is a very good amendment. I can't imagine anyone voting against it. And, if it is adopted, it in no way should affect the legislation being passed by the House of Representatives. I know there is an intention that when the bill passes here in the Senate—assuming it does—it would immediately be taken up in the House and would be passed in the House in the form passed by the Senate and then would go to the President for his signature. There is nothing in here requiring a report of Federal lands that would upset that issue.

The final amendment is technical and it may be considered to be a minor matter, but it is an improvement in the law we have. Again, I think it does no damage to the overall piece of legislation—the omnibus lands bill. It corrects a little piece that needs correcting, and here is what it does. We all know that if you take fossils or other valuable artifacts or rocks from a national park, for example, and you collect that or you try to sell it, you are guilty of a very serious crime, and we intend to prosecute people who do that. We have had far too many thefts of valuable things, including fossils, petrified wood, Indian artifacts, and that sort of thing from our Federal lands, and it is important to have legislation that continues to criminalize that. However, if I take my grandkids on a vacation and one of them picks up a rock and brings it home to show his buddies and it may or may not contain—maybe it is a little teeny piece of petrified wood, for example, should he be prosecuted in the same way that a person who is deliberately doing this to sell would be prosecuted?

The law is sufficiently unclear on this. The underlying bill attempts to correct that problem and it comes within one word of correcting it properly. What it says is that the Secretary ''may'' write rules that allow for the casual collection of these items; and that is a good thing, for the Secretary to write rules that provide some exception if a little child happens to pick up a rock and it has theoretically some value to it. In order to ensure that this is done, Senator COBURN simply changes the word ''may'' to ''shall,'' that the Secretary ''shall'' write rules that allow for the casual collection of these kinds of rocks. That makes sure it gets done. It doesn't tell the Secretary what he has to do, how he has to do it, or anything else. The Secretary could theoretically write a rule that says the only time this ever happens is if it is exactly midnight on a Tuesday or something such as that. So we are not telling him he has to make this a widespread thing; we are not saying he should not protect our precious assets—and indeed we want him to—but we do want him to write these rules so that a casual collector would not be penalized under the relatively harsh penalties that exist in the law today, and as I said earlier, appropriately so. It is a technical change. It is a minor chink. It should not cause anyone to not vote for the larger bill if, in fact, the amendment is adopted.

So those are the four amendments. As I say, my colleague has two other amendments and I need to study them more carefully to know whether I will support them, but I urge my colleagues to support these four amendments of Senator COBURN. I think they all make an important contribution to the bill. I am delighted he has been able to offer the amendments. I appreciate the cooperation of the majority leader in agreeing for him to be able to do that.

My understanding is we will continue to debate these amendments this afternoon and this evening and then tomorrow there will be votes on all of these amendments prior to the vote on final passage of the bill, which I think is supposed to occur tomorrow evening, but in any event, in the not too distant future. So I urge my colleagues to consider these amendments.

If you have questions about them, I urge you to talk to Senator COBURN so he can explain in detail what they are and are not intended to do. If you think in any way that they are deficient or need to be modified in some way, approach him with regard to that. I did that last night and he responded to some of my suggestions about, for example, adding the provision in the report that would allow a classified annex for those portions of the land that need to be protected. I am sure he will be willing to listen to folks if they have any concerns about his amendments, but don't vote against them on the theory that you don't care to know what is in them or if there is any change to this bill, it won't pass the House. That is not true. These are important amendments and, in some cases, benign amendments and I think they deserve our attention. I hope my colleagues would be willing to give these their serious consideration when the amendments are voted.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AIG BONUSES

Mr. CASEY. Madam President, I rise first to talk about an issue so many of us have been deeply concerned about—frankly, beyond concerned but outraged by—and that is what is happening with AIG and the effect of the decision the executives made there about bonuses, in relation to our economy. I think it is important to step back from the obvious frustration we have. So many Americans are expressing their outrage and anger, and a deep sense of betrayal has been generated almost because of this action. I want to step back for a second and review where we are.

Basically, what we have is an American company of international reach that has said to the American people: We know you gave us $170 billion, at last count; you gave us your tax money because we were in trouble. And we have to ask them: Why were you in trouble?

One of the big reasons is because a group of employees in one division of AIG developed schemes. That is the best word to describe what they developed. These were sophisticated schemes to make money, which caused the near collapse of this company. That is what we are talking about. This isn't complicated. It is that simple. The employees of that division concocted these schemes to make money, and now the company is in near collapse, while the American people—the American taxpayers—were asked through their elected representatives, through their Government, to provide tens of billions in help—by one count, $170 billion in help. And what do we get for that? We got little in the way of accountability with all these transactions AIG has entered into, very little in the way of accountability, and now we find out this past weekend that the very division—not just a broad section of employees but the very division that concocted the schemes that led to the problems is getting tens of millions in bonuses—$160 million, $165 million in bonuses. So this is beyond the insult of getting billions and tens of billions and hundreds of billions in taxpayer help and then asking for bonuses for anyone. This is much worse than that. This is giving bonuses to the people in the very division that caused most, if not all, of the problems at AIG that taxpayers were then called upon to provide some remedy or rescue. That is the outrage here. That is the insult to the American people, that this company now is thumbing its nose at the American people.

This comes at a time when, for example, in Pennsylvania, our employment rate hit 7 percent. I never thought we

would get to an unemployment rate that high. Thank God we have been a little lower than the national rate, but 7 percent is a very high number in any State, and many States have been there for a year or more. So we have been spared somewhat in Pennsylvania. But at the very time we have an unemployment rate of 7 percent, when people have lost their homes, they have lost their jobs, they have lost their hopes and their dreams, we have a major international company that got what comes from the sweat and blood and work of the American people, they got the benefit of all that, the $170 billion in taxpayer help, and what do we get for it? We get the insult and the betrayal of bonuses to the very people who caused the problem. You couldn't write fiction as disturbing as this or as outrageous as this.

So I and others have said to the company very plainly—as I said in a letter today when I gave them two choices, neither of which they may go along with—I said have these employees forgo the bonuses or fire them. Simple as that. And if you are not going to take the step and ask them or somehow compel them for the good of the country, if not for the good of their own well-being, their own ethics, to forgo these bonuses, then they should be fired.

Now, I realize they may say: That is an interesting suggestion from Congress, but we are not going to do either. Well, if they want to go down that path, then Congress will act. The Finance Committee of the Senate, as the Presiding Officer knows, is working on a piece of legislation right now. If there is legislation that says we are going to tax these bonuses at 70 or 80 or 90 percent, I, along with other people, am going to vote for it. Whatever it takes to impose the maximum amount of penalty or punishment—pick your phrase—as long as it is legal and constitutional, we are going to support it. The American people have every right to demand that Congress take action because they are the ones who have been insulted at the worst time. They have been kicked in the face at a time when they have been struggling month after month, despite all of the promises from companies that they would get back on track with taxpayer help.

So that is what is happening. The American people will monitor this. And stay tuned, because it is not over today. We can do more than express outrage. We can take action, and I think that is appropriate in this instance.

Madam President, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

AIG BONUSES

Mr. DORGAN. Mr. President, most Americans have read in their newspaper and heard on news accounts the story about the company called AIG that has been the recipient of some $170 billion of guarantees by the American taxpayers, because of an unbelievably failed business strategy and being involved in very risky financial products.

They had an outfit in London with several hundred people in it who were involved in trading credit default swaps and steered that company right into a ditch. We have recently learned that that company, which has lost a substantial amount of money, just paid $165 million in bonuses to executives in its financial products unit, and the American people are furious about it and should be.

I think it is a disgrace that a company that has been engaged in the kind of essential wagering that has been involved in here is now paying bonuses. What do they teach in business school, that a company that loses money and helps create a significant problem for this country's economy ought to be paying bonuses, especially after they received American taxpayers' funds, to employees who helped the company lose money?

I want to mention one additional point. I think it is disgraceful to have those kinds of bonuses being announced for AIG employees. But we have another circumstance that is even worse. Merrill Lynch lost $27 billion last year and still paid $3.6 billion in bonuses to its employees last December.

There were 694 employees of that company got more than $1 million each in bonuses. Think of it. And then, by the way, a week or two later, the company that took them over, Bank of America, got tens of billions more of TARP funds from the American taxpayer.

All of this is disgraceful. My colleagues and I have decided we are going to do everything we can to try to claw back those bonuses. They do not deserve bonuses. Where is the responsibility here on the part of people who helped steer this economy into the ditch? Where is the responsibility on the part of people who made bad business decisions, that in Merrill Lynch's case lost $27 billion in a year, and then decide, you know what, let's decide how much we should pay in bonuses this year?

Well, you know what, the answer ought to be, zero. Where do you get the notion you pay bonuses for losing money? Where do you get off deciding you are going to pay bonuses after you have taken tens and tens of billions of dollars of the taxpayers' money, through TARP funds and other emergency assistance, and then sit around and say, all right, now we have had to take all of this taxpayer money because we have lost a bunch of money because we gambled, we had several hundred people in that office in London who had massive gambling enterprises going on and credit default swaps, and so now we decide we are going to pay them bonuses. I do not understand that.

By the way, there is another issue, a very short issue. All of the counterparties who are getting money that the taxpayers are sending into AIG are being recompensed to the tune of 100 percent. Where is this notion about everybody sacrificing a bit? Why is it that the big interests that are counterparties to this are getting a 100-percent return on their investment? How about taking a haircut here? But nobody is doing that. Everybody is sitting around trying to figure out, how do I get mine, even in circumstances where employees now are getting big bonuses for losing money.

There has to be some accountability at some point. What is happening is disgraceful. And we have every right and responsibility as a Congress to decide that we are going to try to claw back these ill-gotten bonuses.

The AIG bonuses for the employees in its financial products unit could total as much as $450 million. Fifty-five million was paid in December. The outrage right now is about $165 million paid last week. But there is another $230 million in AIG bonuses that could come later this year or next. It is time for this Congress to take a stand on behalf of the American people. We need to claw back those bonuses. We need to say to all of those companies: No more. We are not going to put up with it anymore. This is disgraceful. How about some economic patriotism? How about standing up for the interests of this country and the interests of these taxpayers?

I will have more to say about it tomorrow, but I wanted to point out that the anger around this country, reading this kind of nonsense, is palpable and real. This Congress understands it and we are going to do everything we can to try to claw back these bonuses that, in my judgment, are disgraceful.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, following my presentation, I ask unanimous consent that Senator BROWN be recognized for up to 5 minutes. Following Senator BROWN, I ask unanimous consent that Senator COBURN be recognized. I see

Senator THUNE on the floor. Does he wish to be recognized after Senator COBURN?

Mr. THUNE. Reserving the right to object, as of right now, BROWN for 5? COBURN?

Mr. REID. I understand he wants to speak for about 40 minutes. I am sure, knowing Dr. COBURN, if you have a short statement, he would not care. How long do you wish to speak?

Mr. THUNE. For 7 minutes.

We will work it out on our side.

Mr. REID. I ask that Senator THUNE be recognized. Senator COBURN wants to lay down his amendments. I will renew this consent request in a minute. I withdraw the consent at this time.

The PRESIDING OFFICER. The request is withdrawn.

REPEALING AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

Mr. REID. The recently passed Omnibus appropriations bill completed unfinished business from the Bush administration, which funded the Government to provide critically needed services for the American people. The omnibus that was signed into law last week also eliminated the congressional cost-of-living adjustment for 2010.

During debate on that bill, I sought unanimous consent of this body to take up and pass freestanding legislation to permanently end the automatic cost-of-living adjustment and instead require Members of Congress to vote for or against all future adjustments.

Especially in this hour of economic crisis, the overwhelming majority of Democrats and Republicans would agree that we should end this practice of automatic adjustments. Senator FEINGOLD has championed this cause for a long time, 17 years to be exact. I applaud him for his leadership. Others have tried to take this issue from Senator FEINGOLD, but it is his issue and has been, I repeat, for 17 years. This should have passed last Tuesday when I asked unanimous consent for the bill to pass. One week later, let's see who objects to passing this bill. It should have been done last week.

An overwhelming bipartisan majority of Senators is undeterred by the obstruction that took place last week. Passing this legislation to permanently end the automatic cost-of-living adjustment for Members is the right thing to do.

Absent any further objections, we should do so right now and pass it.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 620, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 620) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, 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 related to this bill be printed in the RECORD.

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

The bill (S. 620) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 620

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

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

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

Mr. FEINGOLD. Mr. President, I commend our majority leader for moving this legislation through the Senate. I have introduced legislation like this for the past six Congresses, and am delighted that, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay, something that most of our constituents cannot do. Because this is such a singular power, Congress ought to exercise it openly, and subject to regular procedures including debate, amendment, and a vote.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

That stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion Congress has voted to deny itself the raise, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

I was pleased to join with the junior Senator from Louisiana, Mr. VITTER, in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support, support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. I commend Senator VITTER for his efforts to end this system. Now, thanks to our majority leader, we have a real chance to do so.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan Legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: ''No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any cost-of-living adjustments or pay raises during my term. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and at the very least the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end, and I am delighted to say that thanks to Majority Leader REID, we have a real chance at ending it. I urge the House of Representatives to take this bill up and pass it right away, so we can assure the American people that we are serious about ending a system that was devised to provide us with regular pay increases without any accountability.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—Continued

Mr. REID. Mr. President, I now ask unanimous consent that Senator BROWN be recognized for 5 minutes—

Mr. THUNE. Mr. President, if the leader would yield, I think the Senator

from Oklahoma will lay down his amendments, which would take up to a half an hour, 40 minutes. Whenever he concludes, I ask that I proceed.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes; that Senator COBURN be recognized to lay down whatever amendments he chooses, and speak up to one-half hour; that following that time Senator THUNE then be recognized.

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

The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

AIG

Mr. BROWN. Mr. President, the unemployment rate in my State of Ohio is 8.8 percent. The poverty rate is 13.1 percent. Lines at food pantries snake around buildings and down the street. In AIG, executives are receiving $1 million bonuses. Failed executives, executives who have made a mess of their company, are receiving $1 million bonuses. When the house of cards AIG built eventually collapsed, the Bush administration, then the Obama administration, provided financial support. They had no choice; doing nothing in the face of AIG's collapse could turn a national economic downturn into a full-blown, decades-long economic collapse. But what do you tell a Cincinnatian who has lost her job or a Clevelander who has lost their home or someone in Mansfield, OH, who is standing in line at a food pantry when they hear that AIG executives are earning millions in bonuses as they suck up taxpayer dollars, tens and tens and tens of billions of taxpayer dollars like a vacuum?

I am going to tell them we are not only going after those bonuses, we are going after the corporate-centric, consequences-free culture that fueled those million-dollar bonuses. Many of my conservative colleagues don't believe in regulation. I would like one of them to stand with a straight face and tell the American public that overregulation is the reason AIG accepted taxpayer-funded Government aid and then gave million-dollar bonuses to its employees.

How did AIG dig itself into this hole? How did the Bush administration, which simply didn't do the regulation they should have done, let it happen? In the short-term, either AIG CEO Edward Liddy, installed by the Bush administration months ago, needs to renegotiate these bonus contracts to get taxpayer money back or the employees need to give up their bonuses voluntarily or Congress and the administration need to act to get these dollars back. That means we impose a one-time tax on these employees on so-called retention bonuses. If we impose a one-time tax on these employees that approximates their net bonuses, so be it.

Usually after a statement that begins ''in the short-term,'' there follows a statement that begins ''in the long-term.'' Not this time. In the short-term, we need to return these bonuses to taxpayers, and in the short-term we need to change the rules of the road so no company, no matter how big, such as AIG, which accepts TARP funds, can fritter away those dollars on huge pay packages and lavish bonuses, as the Senator from North Dakota pointed out, while passing through those tax dollars and making whole companies such as Goldman Sachs of New York, Barclays in London, Societe Generale in Paris, Deutsche Bank in Germany, American taxpayer dollars passing through AIG executives' hands going directly to those foreign and domestic banks making them whole, when they made bad decisions just like AIG made bad decisions. In the short term, not the long term, maybe most importantly of all, we need to rewrite Federal regulations to prevent the arrogance and recklessness and the greed and self-aggrandizement from turning financial institutions into a weight around America's neck and pickpockets robbing the American people. It is what we have to do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. I ask unanimous consent that instead of going in the order that the unanimous consent had requested, Senator VITTER from Louisiana be recognized for 5 minutes, then followed by myself, and then followed by Senator THUNE.

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

The Senator from Louisiana.

AUTOMATIC PAY RAISES

Mr. VITTER. Mr. President, I rise to applaud the action the Senate took by unanimous consent, passing my language to get rid of the automatic pay raises for Members of Congress through the Senate. I thank Senator REID for joining in this effort after my amendment was made in order on the Omnibus appropriations bill. I thank everyone who cooperated in passing this by unanimous consent. I was happy to give that consent for my part since my vote on an amendment on another bill was no longer at stake, so it wouldn't drain votes away from my amendment. We did come together to do that, and we did pass this through the Senate. Obviously, this is a bicameral legislature so the story is not over. I encourage everyone to come together and encourage—no, do more than encourage—pressure the House of Representatives to do the right thing and pass this reform. The last week has proven what can be changed when we come together and listen to the voice of the people.

A week ago this wasn't on radar. This was not a possibility. Today it has passed the Senate. How did that happen? It happened because we brought up the issue. We came together. I joined with Senator FEINGOLD, who has been an advocate of this issue for some time. We had an open debate. The people's voices from around the country were heard, and we reacted to that in a positive way. I say that because it proves what can happen in the House. The House leadership has made clear they don't want to bring up this matter. They certainly don't want to pass this bill into law. But we can change that, even more than that, the American people can change that and call their House Members and demand that the leadership have a fair vote and pass this into law.

I thank Senator REID for changing his language from last week and adopting mine so there would be no further automatic pay raises in the near future, if this bill is adopted. Under his standalone bill filed last week, there would have been at least one more autopilot automatic pay raise to go into effect. Under my original language, which he adopted in this latest version which just passed through the Senate by unanimous consent, that is not the case. It would change the autopilot automatic pay raise system immediately. That was an important and necessary correction on his part. I thank him for making that correction.

We are on a bipartisan roll. Let's keep it up. Let's bring that spirit, that public debate, let's bring that public pressure to the House of Representatives. When the people are involved and when their voice is heard, it is amazing what can change around here and what can get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 680 TO AMENDMENT NO. 684

Mr. COBURN. Mr. President, I will spend some time tonight offering two amendments to the bill under consideration.

I begin by asking: Why is it in the midst of all the problems that face the country, the Senate is going to spend time on an omnibus lands package? It is no emergency. There is no crisis. There is nothing critical about it. Instead of working on the problems that are in front of this country, we will spend the next 2½ days or next 1½ days on a 1,243-page bill that has 170 separate bills in it that, in fact, for the average American doesn't come anywhere close to being a priority. One has to ask that question. Why are we doing this? We don't have anything better to do. We don't have anything more important to do. If that is the case, we probably should go on until we do have something that can make a significant change in the country.

I call up amendment No. 680.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 680.

Mr. COBURN. 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: To ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service)

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

Mr. COBURN. I spent about an hour this afternoon talking about the problems of the National Park Service. They are severe. I introduced into the record the GAO report on the problems at the Department of Interior, as well as the testimony of the acting inspector general, Mary Kendall, about the significant problems that parks are experiencing. Our parks are falling down. The maintenance backlog, according to the Park Service, is $8.9 billion. But according to the testimony of the GAO, it is somewhere between $13 and $19 billion.

This is a very straightforward amendment. What it says is, before we start anything new and new parks, we are going to bring up-to-date what should be brought up-to-date in the parks we have today. That is important because they need to be fully operational. They need to be fully accessible to the public which many are not now because of maintenance backlogs. They need to pose no safety or health risk for both the employees of the parks and the Department of Interior as well as the American citizen, some 270 million who visit them every year.

This is a very straightforward amendment. It says we are going to do something we don't often do. We are going to prioritize how we spend money in the parks. What we are saying is, we are not going to do any new construction in terms of units of the national park system until the Secretary—and this is left to the Secretary, not us—determines that the existing sites, the structures, trails and transportation infrastructure of the National Park Service are fully operational, fully accessible to the public, and pose no health or safety risk to either the public or park employees.

We have thought about other things. We want to make sure there is an exclusion in there. If something is going to cost more to repair than to build something new, we say build something new. The other thing, anything that the Secretary deems is important for public safety that is new, we let them do that as well. All this is saying is with this $10 billion of new authorizations and $900 million of mandatory spending accompanying this bill, the first thing we ought to do is take care of what we have before we start off on another project.

The crown jewels of our national parks are fading. They are fading because we won't take care of them. The backlog since the last time we considered this bill has grown by $400 million. That is just what we know since the last time we considered this bill. The other thing we know from the GAO report is there is a marked risk to both employees and the public in many areas of our national parks. The other thing we know is many of our best parks, the Grand Canyon, for example, a large number of the trails are in such disrepair that they are closed. The people can't access them because we haven't said put the money where it needs to go to make sure we keep the things we have today operational and pristine. So it is straightforward.

What we also know is that the agency needs some help in terms of priorities. In spite of what we have had, oftentimes we are sending them messages to do something else that is not within these priorities. All we are saying is, we have these wonderful assets. Before we go create new assets and new things to enjoy, let's take care of the ones we have. We would not build a new addition onto our own homes when the whole rest of the home is collapsing from lack of maintenance. The first thing we would do is take care of the home, the maintenance of the home.

The bill in front of us actually has the potential to make the situation in our parks worse. It is because we are going to mandate certain things in the bill that will take away from true priorities of maintaining our existing structures.

A recent memo prepared by the Facility Management Division of the National Park Service reveals at least 10 States where the National Park Service backlog exceeds $100 million. At least 20 States have facilities with deferred maintenance exceeding $50 million. That excludes $4 billion that is sitting there for roads and bridges in our national parks. This is in spite of the historically high appropriations levels we have sent to the parks.

I listed earlier—and I will not list again—all the things the National Park Service is responsible for. But it is a litany that, when you look at it, is almost incomprehensible that one agency can take care of everything we have asked them to take care of.

The USS *Arizona* now faces a maintenance backlog of $33.4 million; the Gettysburg National Battlefield site, $29.4 million; the Statue of Liberty Park has a backlog of $196 million. Are we going to let it fall apart while we create something new or should we take care of what we have first?

What we do know from both the inspector general's report and the GAO is the Park Service is denying access in an increasing number of areas because of the growing maintenance backlog.

Representative ROB BISHOP is from Utah. The Dinosaur National Monument is largely inaccessible due to its overwhelming backlog. The center is designed so a kid can go in there and see, within the mountainside, the fossils that are there and see what scientists say about those fossils and then be able to put all that together in their mind. Unfortunately, no one has been able to access this building for 10 years—for 10 years—because we do not have enough money to fix the building and it has been condemned.

So here is an area where there is great educational value, great historical value and for 10 years the building has been condemned and we have not put the money there. This amendment is meant to fix what is wrong now before we spend money on new things.

According to the inspector general of the Department of Interior, financial management has remained a top challenge for the Department, and their work—this is the inspector general—has documented decades of maintenance, health, and safety issues that place Interior Department employees at a health and safety risk, as well as the public.

A report by the Coalition of National Park Service Retirees found widespread evidence of major problems that will be evident, including decreased safety for visitors, longer emergency response times, endangerment of protected resources, and dirtier and less well-maintained parks. The problem will only grow worse in the coming years if we pass this bill and do not prioritize the maintenance backlog.

It is noted that at the Grand Canyon, the cross-canyon water line is deteriorating so badly that it had 30 leaks this year and is in danger of failing entirely. Yet we did not spend any money on that in this bill. We did not authorize them to fix it. We are not about taking care; we are about solving our own political situation.

At Yellowstone, 10,000 gallons of raw sewage this past year leaked from a broken pipe and flowed into a trout-spawning stream in Yellowstone National Park. It is the absence of maintenance. We know the life expectancy of many of these infrastructures, and

yet we have not done anything about it.

Carlsbad Caverns—a great experience. Sewer lines were actually leaking into the caves because of deferred maintenance. Superintendent Benjamin said: Believe me, if there's sewage dripping down into the cavern, people are not going to believe we are doing a good job.

No kidding. Well, that starts with us.

The National Park System has grown to almost 400 units, 84 million acres, and a $9.6 billion maintenance backlog. That is according to the Park Service. It is much higher if you look at the GAO's numbers.

We appropriated $540 million for new land acquisition from 2001 to 2008. We have increased the number of National Heritage Areas since 2000 from 18 to 40. We added 10 more in January of this year. In the 110th Congress, 35 bills were introduced to expand the National Wild and Scenic Rivers.

The National Park Service already manages over 3,000 miles of scenic rivers. This bill includes 1,200 miles. But yet the maintenance dollars, the dollars put there to take care of what we have, are not there.

In April of 2008, the Congress passed and the President signed the Consolidated Natural Resources Act. That was another big lands bill that impacted land and property rights in over 30 States. It authorized $380 million in new spending and not one way of paying for it and none of it for maintenance backlogs.

What we also know is this agency, the Department of Interior, is unable to prioritize the maintenance of existing obligations over new commitments. They get mixed signals. We say: Go do this new one. And then we send appropriations dollars and say: You have to spend it on this rather than taking care of a rotting sewage line.

Until we in Congress and the administration prioritize the maintenance of our existing national parks, these problems are going to grow. There is no excuse for it.

AMENDMENT NO. 679 TO AMENDMENT NO. 684

So I would put forward this is a simple amendment. It does not cost us anything. It actually saves us money because to repair something that is falling down—before it gets to that stage—is much cheaper than waiting until it is a catastrophe. Consequently, if we were to plan appropriately, and if we were to direct the funds appropriately, we would be repairing that which we need to repair so we do not spend extra dollars once they have failed.

My hope is we will get positive consideration of this amendment. This is a commonsense amendment. People at home would do the same thing. They take care of what they have before they go and add something else that is going to take away money that is required to maintain what they have.

I would say, again, individuals do not build additions to their homes when the roof and the foundation is caving in and neither should the Park Service and neither should Congress.

Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 679 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 679 to amendment No. 684.

Mr. COBURN. Mr. 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: to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable energy)

At the appropriate place, insert the following:

SEC. . DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

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, I wish to read this amendment because it is very short and very straightforward:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy—

''Renewable energy''—

on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

Very straightforward. We had a great experience with the harsh reality that we are energy dependent this past summer. It is going to come back again. Unfortunately or fortunately—depending on how you look at it—in the West, where the Government owns 1 out of every 2 acres, the vast majority of geothermal land resides.

What you will see—as indicated on this map—through this area, through southern California, along the coast of California, and Oregon, Idaho, Nevada, Colorado, New Mexico, some areas of Montana, Wyoming, and Arizona, is where the vast resources of a clean renewable energy exists: geothermal.

The only problem is, in this bill we gut a large portion of that and say we can never touch it. Well, why would we, if we believe in climate change—and I am a skeptic, but I will take that point for a moment. Let's say we believe in climate change and we want to have energy produced that does not increase the CO_2 content of the atmosphere. Why would we pass a bill that takes and restricts a large portion of this area from geothermal?

We know in Nevada and Arizona, for example, solar is a massive source for clean energy. Yet in this bill, in both the wilderness areas and the heritage areas and all these other areas, we are going to restrict not only the utilization of geothermal and wind and solar but also the ability to capture it and move it somewhere else.

Well, if we take all this area for geothermal, and if you concentrate Nevada and Arizona in terms of the solar and then you look at the wind corridor that comes up through here, as shown on this map, and say you cannot send a transmission line anywhere across any of these properties, what we are doing is shooting ourselves in the foot. We do not want carbon-based energy. And now, where the Government owns 650 million acres, we do not want wind, solar or geothermal. Why would we do that?

I guess we are going to go all nuclear. We do not see any nuclear coming from the President. We do not see any nuclear coming from anywhere else. So what are we going to have? We are going to have no energy.

So we are going to limit hydrocarbon energy, and then we are going to take our greatest sources for wind, solar and geothermal and we are going to say: Sorry, that is off limits. You cannot use it here. You cannot extract it.

Geothermal is so powerful because it is a direct conversion. We capture steam and we capture a temperature gradient that turns a turbine that puts off nothing but water vapor—no CO_2, no nitrous oxide, no sulfur dioxide. It is free energy. Yet in this bill we are going to take 2.2 million acres out of these areas and say: You cannot touch it for renewable energy. Why would we do that? So all this amendment says is you can do whatever you want on all these areas, as what we have done in the bill, but you cannot exclude it from renewable energy.

I am reminded, everybody wants renewable energy, but they just do not want it in their own backyard. Everybody wants us to have wind. We love wind. We have turbines like crazy in Oklahoma, like they do in North Dakota and South Dakota and several other States. We are happy to have it. But if you applied the same thing to Oklahoma, in terms of wilderness areas, we would not have any of the windmills that are generating a significant portion of our alternative renewable energy today in Oklahoma. More importantly, you would not be able to transport the energy you are creating that is renewable, that does not create CO_2, that does not supposedly contribute to ''climate change.''

We are going to pass a bill that is going to significantly restrict that.

What are we thinking? Why would we limit alternative renewable energy access in all these Federal lands, this extra 2.2 million to 3 million acres? Why would we do that? It is almost like we have a death wish. Either that or we are not thinking, we are not considering what we are going to need in the future. We are considering the short term, but we are not considering the long term.

So this map shows us specifically where geothermal is available. If you look down in southern California, we have heritage areas. Knock it out. If you look in Oregon, Idaho, Montana, Colorado, Arizona, New Mexico, we have heritage areas. We knock it out, saying: You can never utilize this land to capture clean alternative renewable energy. That is ludicrous.

So all this amendment does is say: Yes, you can. We are going to do everything else under the heritage areas, under the wilderness areas, under all the other restrictions we put in this bill, but we are going to capture renewable, clean energy for the American people. We should do nothing, given the fact that we are in trouble on energy and we don't even know it right now.

What we know is the supply-demand glide is going like this and we are in a recession now, and we don't feel it, but as we lock in and cut exploration for natural gas in this country, we will see a twofold increase in natural gas within the next 18 months. We know that because we have built reserves every year until this year in natural gas. We know we consume 4.6 trillion cubic feet of natural gas every year in this country. As they shut down the exploration for known areas of natural gas because the price is under $4, what we know is the demand is not going to decrease significantly over what it is because we have gone to alternative sources for power generation—a lot of it natural gas—that the demand is going to increase and the supply is going to become static.

What is going to happen? The price of natural gas is going to go up. What is that going to do to utility bills? Before we do a monstrous cap-and-trade that is going to severely raise everybody's electrical rates in this country, we are going to limit an alternative supply for electricity with this bill, because we are going to limit the access to geothermal, we are going to limit the access to wind, and we are going to limit the access to solar, and solar thermal electricity generation.

I have trouble figuring it out. It must be my commonness being from Oklahoma, but I can't figure out why we would—I know we are going to cut one leg off in terms of going green over the next 20 years. I can't figure out why we are cutting off the other leg. I am wondering what we are going to use for power in this country. If we are going to severely limit alternative renewable, nonpolluting energy that is clean and we are going to massively limit—as the Department of Interior is already—exploration for hydrocarbon-based fuels, and we are going to limit the significance of coal, of which we have over 300 years available to us, what are we going to use for energy? We are also going to slow down the permitting process and the loans for nuclear, so what are we going to use? What is going to keep the lights on?

This amendment is about keeping the lights on in a way that nobody should be able to object to. It is not carbon based. It is a renewable, it is essentially almost free, it is something we can capture without any significant greenhouse effect. Yet we are going to limit it with this bill. I think it is significantly foolish on our part.

What we know is that this 140 million acres we see here, if we add in what is already in wilderness areas, what is already off limits in terms of national forests and Federal lands, you add in—and this does not include except a small portion of Alaska—we are going to markedly limit our resources. Ninety percent of all the geothermal capability in this country—a clean source for renewable energy—is found on Federal lands. As we grow the limitations on Federal lands, what we are going to do is take that 90 percent and we are going to take anywhere from 50 to 70 percent of that and say you can't have it. There are 29 million acres with solar potential in six southwestern States—these six States. If you can't transmit the power through power lines, if you can't disturb the soil to build, whether you put it above ground or underground, if you can't cross a river with a power line either overhead or under the river, how are we going to transmit the power? What we are saying is we believe in renewable, clean energy, but we don't.

The other point I wish to make is we now have in this country in wilderness areas alone 108 million acres. Do you know how many acres we have in developed land in this country? It is 106 million. Not counting the Federal lands outside of wilderness, which is 650 million acres, we have 108 million acres of wilderness and only 106 million acres of developed land. Where do we stop to the point where we don't steal away from the future potential energy production in this country? I am not talking carbon based; I am talking noncarbon based. How do we get the power from geothermal from these concentrated areas to the west coast and back to the upper Midwest if we can't cross any of these areas? And then, what is the cost and what is the line loss load when we have to do something such as this and then go underground and then come back up? It becomes prohibitive, and then we lose all advantage from renewable energy.

The other area we know where we have tremendous potential in all of these areas and others is biomass. We have a tremendous source. Approximately one-third of the 747 million acres across the United States is covered in forest land. Fifty-seven percent of those forests are owned by the Federal Government. Also, 590 million wet tons of biomass are available in the U.S. annually—590 million tons. Sixteen percent of renewable energy generated right now from electricity comes from biomass and 3 percent of our total energy in the year 2000. I don't have the dates for where we are today.

Here is what the U.S. Forest Service says: ''The technology to generate energy from wood has entered a new millennium with virtually limitless possibilities.''

Yet, even if we generate it, we can't transmit it under this bill, or the difficulty of costs for transmitting it will be prohibitive.

Each of the designations in this bill—somebody challenge me on this—each of the designations in this bill specifically withdraw the land from future mineral and geothermal leasing. That includes the wilderness areas, the wilderness study areas, and the wild and scenic rivers. They are withdrawn. They can't be used. Right now, there are 708 federally imposed wilderness areas totaling 107 million acres of land in 44 States. That will go to 1.92 million acres with the passage of this bill. It is a small portion of the 2 billion acres in this country, but it still denies the fact that we have more land now in wilderness than we have developed. The prohibition from capturing clean energy, renewable energy, and nonpolluting energy is unfortunate.

One of the things that is wrong with this bill also is that we are viewing tomorrow's energy potential on all of these lands with today's technology. Just like when you go back and look at the old BLM studies and the Department of the Interior studies on the land, if you use old technology, you can say there is no energy there. When you use new 3D seismic and electromagnetic seismology, what we see is a whole great potential for all other sources, including geothermal.

The other concern I have with this bill, and the reason I have this amendment, is we recently had a Federal judge in Washington, DC issue a restraining order to halt the development of major oil and natural gas reserves on 100,000 acres of Federal land in portions of Utah, not because it was in a wilderness area, not because it was in a heritage area, not because it was along a scenic river, but because it was near there. So we are going to abrogate to the courts and the aggressive environmentalists the ability to stop even clean renewable energy sources by the wilderness area designations.

Secretary of the Interior Ken Salazar, a former colleague of ours, recently ordered a secretarial order calling for the production, the development, and delivery of renewable energy; that it would be a top priority of the Department of the Interior, but this bill restricts that order. So here we have the Department of Interior Secretary saying this is our priority

and we are going to pass a bill that undermines that authority and that priority.

Secretary Salazar claims that this effort will include the identification of areas of high potential renewable energy, including geothermal, wind, solar, and biomass. It also includes mapping out transmission infrastructure to connect power to consumers.

Well, as we create all of these wilderness areas and heritage areas, guess what we are doing. We are limiting the ability to map out power transmission lines. In total, the lands bill will withdraw over 3 million acres from energy leasing, placing them outside the scope of Secretary Salazar's endeavors.

Majority Leader HARRY REID summed up the difficulties imposed by these designations when he discussed energy resources in Nevada. He said:

We know that our State has immense clean energy resources. However, the Federal Government's management of 86 percent of Nevada lands makes it challenging to explore and develop our enormous renewable resources.

The only area in this bill that does not affect geothermal is in the State of Nevada. It is the only area.

If we are serious about alternative energy, this amendment should be accepted, should be voted for, allowing us to have a wilderness area, but at the same time utilizing clean energy as a way to bring us to energy independence in the 21st century. So this is a very simple amendment. It says, OK, let's have what we have, but let's don't restrict it as far as renewable, clean energy. Let's use the renewable, clean energy that is available. This happens to be geothermal, but we know where the solar is, we know where the biomass is, and we know where the wind corridor is in this country. Why would we restrict it?

AMENDMENT NO. 675 TO AMENDMENT NO. 684

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 675.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 675:

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

At the appropriate place, insert the following:

SEC. ___. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

Mr. COBURN. Mr. President, that is a straightforward amendment. The authors of this bill said we are never going to use eminent domain for any of this, even though they reference two or three statutes that give eminent domain. Well, if that is the case, if we are never going to use eminent domain to accomplish the purposes of this, there should be no trouble accepting this amendment. This amendment just says we can't. On this bill, you can't use eminent domain to take the property away from somebody who doesn't wish to give their property.

Amendment 5 of the U.S. Constitution says:

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken without just compensation.

That is the Constitution. But the father of the Constitution said it a different way. He said, in a word:

As a man is said to have a right to his property, he may be equally said to have a property in his right.

Eminent domain is necessary and appropriate at times in this country for national defense, for the health and well-being of the country, for priorities that protect the public at large, and that makes sense. There are times when we have to use it. There is not a time associated with any of the parts of this bill that we should have to use eminent domain.

I have been assured by the authors of this bill that they have no intention of using eminent domain. If that is the case, then support this amendment, and we will never have a problem with it. The property rights folks in this country, of which about 100 support this amendment, would say that is great, so let's vote it up or down.

But if we vote against it, what is it going to tell them? What it is going to do is erode the confidence of landowners in this country. We say we are not going to take your land away from you without your permission, without there being a willing seller, but we have kind of a king's edge. We have our fingers crossed behind our backs because there may be some time when a bureaucrat has made a decision other than what we are saying tonight.

So the way to enforce that would be a straightforward message that says, according to this amendment, ''notwithstanding any other provisions of this act, or any amendment that is made to this act, no land or interest in land, other than an access easement, shall be required under this act by eminent domain.''

That is straightforward. Let's give them confidence that we are not going to take their land away against their will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes.

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

FISCAL YEAR 2010 BUDGET

Mr. THUNE. Mr. President, the Senate will in a couple of weeks take up the fiscal year 2010 budget. It is a defining document. In many cases, the budget establishes a blueprint for the agenda, what is going to happen in the Congress.

We normally get a budget proposal from the President, and the Congress takes it up and acts on it. We have gotten that blueprint from the new administration. The Congress will, as I said, in a couple of weeks take up our version of that budget, put it into legislative form, and take action on it.

I think what most Republicans in the Senate are going to take issue with in this budget is the fact that it does spend too much, tax too much, and borrow too much. We believe the budget as proposed is going to be very harmful to the economy at a time when we ought to be looking at creating jobs. In fact, this budget could do the exact opposite. It could cost the economy a significant number of jobs because it is going to impose all kinds of new burdens on that economy.

The first point I would like to make with respect to the issue of spending too much—as I said, it spends too much, taxes too much, borrows too much, but if we look at the amount of spending in the bill on the surface, discretionary spending would increase by $725 billion over 10 years. Mandatory spending would increase $1.2 trillion during the same period.

Total spending in this year's budget for fiscal year 2010 is $3.9 trillion or 28 percent of our gross domestic product. That means we would be spending more as a percentage of our gross domestic product than at any time since World War II.

That is a stunning and staggering fact when you think about it. At a time when a lot of Americans are being asked to tighten their belts in a difficult economy, this budget grows the size of Government by 9 percent for nondefense programs in fiscal year 2010, for a total of 20 percent growth in these programs since the year 2008.

There has been a lot of talk about revising the history of the past 8 years. But this budget spends more than the Bush budget every single year, and that is even after adjusting for inflation.

For those on the other side who have been critical of the overspending on the Republican side—and I don't deny the Republicans spent more than we should have when we were in control of this place, but this budget is staggering in terms of the amount of spending it includes—$3.9 trillion for fiscal year 2010, and, as I said, 28 percent of GDP, which would represent the highest level of share of GDP at any time in this Nation since World War II.

With respect to the issue of taxes—and as I said, it spends too much which, obviously, any person who looks

at this would agree with, but it also taxes too much. If you look at the taxes in the proposal, there is on the surface a whole lot of new revenue that is raised just by allowing previous tax policy to expire. We are going to see tax rates increase on people at the higher income levels.

The argument by the Democrats in the Senate has always been—and by the President, for that matter—that 95 percent of the people in the country are going to get tax cuts, and these new taxes on the economy are not going to impact that many people.

We are going to take issue with that because if you look at the total amount of new taxation—and when I say ''new,'' I am talking about net new taxes because that is independent of the tax relief. What they call the make work pay tax credit that is included in this bill does reduce the tax burden on some Americans by a certain amount. But the overall tax burden on the American economy is going to grow by $1.4 trillion.

Again, to put things in perspective, $1.4 trillion is equivalent to the annual GDP of Spain. We are going to raise taxes by $1.4 trillion in an economy that is in the middle of a recession.

Much has been made about the fact small businesses are going to be saddled with new taxes under this budget. There have been statistics thrown around. Make no mistake about it; if you are a small business with more than 20 employees and you are organized as a subchapter S corporation or an LLC and, therefore, the income you derive from that business flows through to your individual income statement, you are going to pay a higher level of taxes if you have a certain amount of income coming in.

So any company that makes $200,000 or $250,000 a year adjusted gross income because it flows through to the individual tax form, that individual could be facing much higher taxes. In fact, what has been determined through the analysis that has been done is that 60 to 80 percent of small businesses in this country will see their tax burdens go up because of the taxes included in this budget—$1.4 trillion in new taxes, which, as I said, is the equivalent of the annual GDP of Spain in the middle of a recession.

The other point I would make to those who say this is not going to impact average middle-income Americans is, if you look at the energy tax in this bill, I don't know how you can get around the fact that is going to hit everybody across the board.

The administration has said the revenue raised on the cap and trade—we call it the energy tax component. It is going to be a tax on utilities because the utilities are going to pass this on. It is not going to be borne by the utilities. It will be passed on to consumers. The administration has indicated $646 billion or $650 billion in revenue will come in from this new cap-and-trade proposal or this new energy tax proposal. I would argue that based upon additional analysis that has been done, it will be significantly more revenue coming in from that, which means it is going to cost the economy significantly more as well.

I refer my colleagues to an MIT study that was done in 2007 where they looked at a proposal, the Boxer-Sanders proposal—S. 309, I believe it was—and made an assessment as to what that would cost the economy. Bear in mind the President, while he was a Senator, cosponsored that proposal, and his proposal for a cap-and-trade regime is modeled very much after that legislation.

What MIT found when they modeled this was that it would cost the average household in this country $3,128 in the year 2015 if this sort of cap-and-trade proposal were implemented and put into law.

As I said before, that assumes a much higher level of taxation, a much higher level of revenue coming in from this cap-and-trade proposal than does the President's budget.

I would argue that the President's budget dramatically underestimates the impact of the cap-and-trade proposal in terms of cost to the economy and the additional taxes that will be passed on, and that this represents a much more accurate review.

The Congressional Budget Office also has in their analysis concluded that by the year 2020, this could cost somewhere between $50 billion and $300 billion a year. The MIT study suggests it would cost more than $300 billion a year. I think as more and more analysis is done and more and more data is captured about this cap-and-trade proposal, we are going to find it is extremely more expensive than what has been anticipated and what has been assumed in the President's budget.

The energy tax piece of this is going to be passed on to everybody. If you are a middle-income taxpayer, a lower income taxpayer, or a small business, energy costs are going to go up. The argument has also been made the make work pay tax credit would offset that. That is true up to a point, but that is up to $400 for a single filer and $800 for a couple filing jointly and phased out so that people in the middle-income categories are still going to be faced with this significant energy tax that is paraded by the new cap-and-trade policy that is assumed in the President's budget. Not only does it directly raise taxes—the $1.4 trillion that I mentioned earlier which equals the annual GDP of Spain—the tax increase is going to be passed on to a lot of small businesses in this country. But there is this cap-and-trade tax, which is the secret job killer in this budget in terms of the enormous burden and cost it will impose on our economy, on small businesses, and on working families in this country.

As I said before, this budget spends too much, it taxes too much, and the other point I will make is that it borrows too much. If we look at the amount of borrowing that is entailed as a result of this budget and what it does to our national debt over time, again, the numbers are quite staggering.

This budget doubles—doubles, Mr. President—the public debt in 5 years and triples it in 10 years. The amount of borrowing that we are passing on to future generations is going to double in 5 years and triple in 10. Just to put this in perspective, this creates more debt. The President's budget creates more debt than was accumulated under every President in this country from George Washington through George Bush. In other words, from the inception of our country, from our very first President, George Washington, to George Bush, his Presidency included—a lot of people have criticized the previous administration for adding to the Federal debt. In fact, during the Bush administration, it was about $2.9 trillion that was added to the Federal debt. This is going to dwarf that by multitudes. It doubles the publicly held debt in 5 years and triples it in 10 years and accumulates more debt than was accumulated from the time of George Washington through the Presidency of George Bush.

That is a stunning amount of borrowing. We are getting to where even if the President's budget proposals and economic assumptions are accurate—and I would take issue with those—where the total amount of borrowing, the total amount of public debt is going to be about two-thirds of our GDP, those are numbers we have not seen at any time in this country since World War II.

There are incredible amounts of spending, incredible amounts of taxation, incredible amounts of borrowing, and lots of policy changes that we think are very bad for the country and very bad for our economy at a time when we need to be putting policies in place that will create jobs, stimulate the economy, and help expand it in a way that will make this country more prosperous and stronger for the future.

In the debate that will ensue in the next several weeks—and it will get underway in a couple of weeks—we are going to be making lots of arguments, as both sides will—those who are in favor of the President's budget proposal and those of us who are opposed to it—about the substance of it. I hope when we focus on the substance of it, the American people will tune in because they ultimately are the ones who pay the costs.

For the taxpayers of this country who bear the burden and responsibility of financing the many new initiatives that are paraded in this, it does create a lot of new initiatives. It does away with guaranteed student loan lending, a program that has been very successful across this country and moves everything back into direct lending of the Federal Government. It, as I said, creates an entirely new energy program, a cap-and-trade program, which

is a tax. Let's call it what it is. It is going to impose an incredible cost on our economy, not to be borne by corporate America; it will be passed on to the American consumers. If the MIT study that was done a year ago is right, there will be $3,128 per household in this country to comply with the additional costs that will be imposed as a result of this new cap-and-trade proposal included in the President's budget.

It assumes some $600 billion for health care reform. We have not seen specifics and details about that, but we are concerned as well about the direction in which that may be headed. There are lots of reasons to be opposed to this budget. There are lots of things we could and should be doing to get this economy growing again, but clearly, raising taxes, spending more money here in Washington, DC, borrowing more from our children and grandchildren is not the way to go about this.

I wish I could say I was presenting the worst-case scenario. The numbers we are seeing here are probably optimistic. I think the President's economic assumptions with respect to inflation, unemployment, GDP growth, and all those sorts of things are overly optimistic. I think they have dramatically understated, as I said, the cost of the cap-and-trade proposal. They have understated savings that will be achieved by reductions in our military spending as a result of drawdowns in Iraq. I don't think that is going to be nearly what they assume it is going to be. I think the actual deficits and debt that are going to come as a result of this budget proposal that the President is putting in front of us is going to be way beyond anything we are even contemplating now.

I have to say, what we are contemplating now is way beyond anything we have seen throughout our Nation's history. It is not fair to future generations for us to be saddling them with this enormous amount of debt. As I have pointed out before on the floor, we have had a tradition in this country of one generation sacrificing for another; one generation going without things so that future generations can have a better life. We have turned that ethic completely on its head with this budget by the amount of borrowing and spending that we are doing and in the amount of taxing. We are taking from future generations and asking them to sacrifice so we can have a better life today because we have not been willing or able to live within our means.

It is high time that Congress started taking the steps necessary to get this budget under control, to not buy into the spending spree. Since we have been here—and it has been a little over 50 days in this new Congress and the new administration—the level of spending is now at $1.2 trillion—$24 billion a day or $1 billion an hour that we have spent already—and that is before we even get to this fiscal year 2010 budget, which includes historic levels of spending, historic levels of taxation, the largest tax increase in American history, and historic levels of borrowing that asks future generations to make sacrifices which are not fair to ask of them.

It is our responsibility to live within our means. We can do that. We can put policies in place that will be additive in terms of creating jobs and growing our economy and making our country stronger. Going down this path is not going to do that. I hope as we debate this in the next couple of weeks that it will become clear to the American people who is standing up for the American taxpayer and what the costs are—the actual costs—that we are asking not only them to bear but asking their children and grandchildren to bear.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

ST. PATRICK'S DAY 2009

Mr. DURBIN. Well, Mr. President, it is St Patrick's Day, and you might notice a lot of green ties on the floor of the Senate. I notice the Presiding Officer has a nice one on.

I wish to just say for a moment how proud I am to have a grandmother, who passed away, named Mary Margaret Gaul, who was always proud of her Irish heritage and convinced us as kids that is where God would hang out, that great Republic of Ireland. It meant a lot to us growing up as kids to celebrate St. Patrick's Day with my grandmother and to try to continue that tradition in our own time.

But it goes beyond just family connections. It is almost impossible to overstate the importance of Ireland's contributions to America. From our earliest days as a nation, Ireland and America have been united by unbreakable bonds of friendship, family, and a shared commitment to liberty and freedom.

There is a great quote from George Washington, who once said:

> When our friendless standard was first unfurled for resistance, who were the strangers who first mustered around our staff? And when it reeled in the fight, who more bravely sustained it than Erin's generous sons?

In the more than two centuries since then, America has been enriched immeasurably by the contributions of the Irish, and Irish Americans, in every field and every walk of life.

And the contributions go both ways. It just was not the ''sons of Erin'' who stood and fought on our side with George Washington in the Revolution, it was a son of America, Brooklyn-born Eamonn deValera, who, in 1921, became the first President of a free Ireland.

And it was another son of Irish America, former Senate majority leader George Mitchell, who helped broker the Good Friday Peace Accord nearly 11 years ago.

That hard-won historic agreement laid out a path to end more than 30 years of sectarian bloodshed in Northern Ireland and create a new province, a new government, and a new dream.

For more than a decade, the Good Friday agreement has inspired people around the world to believe it is possible to resolve old hatreds, it is possible to heal old wounds.

To paraphrase the great Irish poet and Nobel laureate, Seamus Heaney, it is possible—with courage and diplomacy—for cooperation to replace confrontation and hope to triumph over history.

We have been horrified in recent days by the reprehensible murders in Northern Ireland of two unarmed British soldiers and a police constable. The two soldiers were days away from being dispatched to Afghanistan. They were the first British soldiers killed in Northern Ireland since that Good Friday agreement. The police constable's death was the first terrorist killing of a member of Northern Ireland's new, carefully balanced police force. The police force was created a couple years ago, and it is an important symbol of political reconciliation.

Their deaths appear to be the work of isolated extremists who have no place and no support in Northern Ireland today.

If it is possible for any good to come from these despicable acts, it is in the reactions of people in Northern Ireland. In the wake of the killings, we have seen a renewed commitment to peace and reconciliation. Former enemies on both sides of ''the Troubles'' have condemned the killings and vowed not to retaliate with violence.

Martin McGuiness, Deputy First Minister of Northern Ireland's power-sharing Government and leader of Sinn Fein, the political wing of the IRA, called the perpetrators of these killings: ''traitors to the island of Ireland.''

Leaders of Northern Ireland's two largest loyalist paramilitary groups—the Ulster Volunteer Force and the Ulster Defence Association—have also condemned the killings and vowed that they will not return to violence.

Most poignantly, we have seen the commitment to peace in the resolve of thousands of ordinary people in Northern Ireland.

Last Monday, on the morning after the killings of the two British soldiers at a military base, hundreds of people gathered in the nearby town of Antrim for a prayer service at the police cordon where the shootings took place.

The worshipers included members of the local Catholic, Presbyterian, Church of Ireland, and Methodist Churches—all praying together.

A Catholic priest told a reporter his parishioners were determined to show their outrage over the murders, but they wanted to do so collectively with their neighbors from other churches.

The priest told a reporter:

In the past, if something like this happened, people would withdraw into their own [separate] community. This time, everybody was united because it was an attack on everybody—on the peace we all own.

Last Wednesday, thousands more people attended dignified, silent ''peace rallies'' in Belfast, Derry, and other towns in Northern Ireland. Young and old, men and women, Protestants and Catholics stood shoulder to shoulder in the cold to express their horror at these killings and their resolve to maintain the Good Friday peace.

Signs carried by many of the more than 2,000 people who gathered at Belfast City Hall seemed to express their collective resolve. The signs read simply: ''No going back.''

Many of us remember how difficult the Northern Ireland peace negotiations were, how often they seemed on the verge of collapse. But their collective determination, and the wise leadership of George Mitchell, led them to an agreement, led them to use diplomats and politicians but also the faith and courage of ordinary people to bring organizations and institutions that had been at war for decades together in peace.

Last weekend, in Chicago, we had a great St. Patrick's Day celebration. We dyed the Chicago River green, drank a lot of beer, marched in parades. Everybody wore their green and had a glorious time.

I attended a breakfast honoring a great organization. The Irish American Partnership is working to create a more hopeful future for the children of Ireland—both north and south. They support educational and other efforts to replace old divisions with understanding and cooperation.

On this St. Patrick's Day, we want the people of Northern Ireland, the Republic of Ireland, and Great Britain to know America shares their grief and outrage over these killings. We also share their resolve never to go back.

Just as it was in America's national interest to help broker the Good Friday peace agreement, it is in our interest now to help the people of Northern Ireland reclaim that peace.

Now, before I yield the floor, I cannot let St. Patrick's Day pass without saying a word about a great man whose family has become synonymous with Irish America, with peace in Northern Ireland, and with so many other noble causes.

Senator TED KENNEDY—KNOWN AS SIR EDWARD by those of us who are honored to call him a colleague—is not here on the Senate floor today. But we see his pride in his Irish heritage in the shamrock sugar cookies and green punch he had delivered to the Democratic cloakroom today, as he has done on every St. Patrick's Day for decades.

More importantly, we feel TED KENNEDY's influence in this Senate's efforts to promote justice and opportunity in our own Nation—to provide more Americans with jobs, health care, and education, so they can make a good life for themselves and their families.

On this St. Patrick's Day, I know I speak for all my colleagues in the Senate in wishing Senator KENNEDY slainte.

To your health, TED. We look forward to seeing you back soon.

A few months ago, Senator KENNEDY's wife Vicki, at the Democratic Convention in Denver, handed me this little blue plastic bracelet. It has a word on it they made up for the occasion, so all of us who stand by TED and think of him every day would carry this little reminder with a bracelet that says one word: Tedstrong.

Well, we are strong in our love for this great Senator. He has been strong in his love for this great country. It is a good thing to remember him on one of his happiest days, St. Patrick's Day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before my colleague leaves the floor, I wonder if he might answer a question, and that is whether some of us on this side of the aisle could also celebrate our colleague, TED's, appreciation for St. Paddy's Day, if there are any more of those cookies and punch left in the Democratic cloakroom.

Mr. DURBIN. I am going to check. If there are, we will bring some across because I know TED would do that himself.

Mr. KYL. I thank my colleague.

NOMINATION OF DAN ROONEY TO BE AMBASSADOR OF IRELAND

Mr. CASEY. Mr. President, I want to speak about a very happy and positive topic, something that is close to my heart but I think also close to the heart of a lot of Americans. Today, we have the double benefit of it being not only St. Patrick's day, but in my case, as a Pennsylvanian and one of Irish descent, I had the great news announced today by the President of the United States that Dan Rooney—from the great Rooney family of Pittsburgh, owner of the Pittsburgh Steelers and a great friend of the people of Ireland, who has been active in the peace process, as has his family for a generation or more with their time, their effort, their money, and their wisdom—has been nominated to be Ambassador to Ireland. He is a Pittsburgher and a Pennsylvanian, and we are so very proud today to be able to report that for those who haven't yet heard the news. I will work, as a member of the Committee on Foreign Relations, to get him confirmed because we should confirm him.

Dan Rooney is well known as the owner of the Steelers, the Super Bowl champs several times over in the last generation, and that is wonderful that he is, but he is a son of Pittsburgh, a very humble man, a very decent, kind, caring, and compassionate man, someone who has the kind of integrity and the kind of commitment to service you would want in an ambassador to any country but especially one such as Ireland. Pennsylvania has a pretty significant percentage of its population that traces its ancestry to that small island, and across the ages we have been proud of that connection, that affinity we have for the people of Ireland. In this case, if all goes as it should with the confirmation—and I am sure it will—we will have a son of Pittsburgh, a son of Pennsylvania, a resident of the Commonwealth of Pennsylvania serving as Ambassador to Ireland.

Dan is someone who not only has the character and integrity and commitment to his country, and his concern about the Irish people, but he is also someone who has broad experience in running a major organization and motivating people to meet goals. There is so much that our country can do together with the people of Ireland. That country will see, if they do not already know, what we have always seen in the character and the decency and the strength and experience of Dan Rooney. So we are very proud today that President Obama made that announcement, especially for someone who has the kind of character and commitment to public service that Dan Rooney has.

One final note about the celebration today of St. Patrick's Day. There are a lot of reasons to celebrate, even in the context of some of the recent violence in Ireland. There are more reasons than not to celebrate the enduring peace of Ireland, even in the midst of that setback, even in the midst of that violence. We have a lot to be thankful for, those of us who care about that kind of peace—one of the longest conflicts in the history of the world brought to resolution back in the 1990s. George Mitchell and the Clinton administration worked very hard on this, and I know the Obama administration will be equally committed to making sure that peace endures.

As we are thinking today about Ireland and thinking about St. Patrick's Day and thinking about the bond between our two countries—and earlier today I heard Senator DURBIN speak of the senior Senator from Massachusetts, Mr. KENNEDY, for a whole variety of reasons—I think of TED KENNEDY as someone who spent a lot of his time in the Senate working on peace issues the world over but in particular working on the peace process in Northern Ireland. Over his lifetime of service in the

Senate, he is someone who has given meaning to the values we cherish on a day like today—values of service, the value of peace over war, the value of integrity, and the value of trying to love one another the best we can.

TED KENNEDY has a long connection not just with the peace process and not just with the people of Ireland and his heritage, but his family has had a long connection with my home State of Pennsylvania—and not just on St. Patrick's Day but on a lot of other days. In fact, one of the reasons I highlighted Senator KENNEDY and am thinking of him tonight is because of all the work he has done on health care, on civil rights, on education, as well as issues as important as the peace process in Ireland.

I am also thinking of him tonight because of the Friendly Sons of St. Patrick of Lackawanna County, which has had many storied speakers, but one of the greatest speeches given at that dinner—really in the history of the American Irish—was given by then-Senator Robert Frances Kennedy of New York in 1964. So we are thinking tonight of the inspiration Senator Robert Kennedy provided to the American people, to the people of the State he served, New York, and to people across the country in his Presidential campaign in 1968 before his tragic assassination.

In a special way, I am thinking of the speech he gave not long after—literally just a few months after his brother, President Kennedy, was killed. I had the occasion a little more than a year ago to give an audio recording of that to Senator TED KENNEDY. I know he had heard of the speech and maybe even heard the actual recording, but I wanted to make sure he had a CD of that speech.

So we are thinking of him tonight and thinking of his family and the great sacrifice the Kennedy family has made for the American people; one as President, two in the Senate, and one of them in the Senate who served as Attorney General. That is just a highlight of the kind of service they have provided.

So on this St. Patrick's Day, we cherish the memory of so many things that are Irish, but we are also whispering a silent prayer for our country, whispering a prayer for the people of Ireland and for those who made this peace possible, people such as TED KENNEDY and George Mitchell, and others who worked so hard.

In this very special way today, I am grateful for the chance to be able to stand on the floor of the Senate and say that a friend of mine, a friend of Pennsylvania, and a proud son of Pittsburgh has been nominated by President Obama to be Ambassador to Ireland. That friend is Dan Rooney.

So congratulations, Dan. We are thinking of you and your family tonight as we celebrate St. Patrick's Day.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD. On March 16, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Contracting Oversight adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Ad Hoc Subcommittee on Contracting Oversight.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any matters or recommendations. Nothing herein shall be construed to authorize the consideration or reporting of legislation.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

MOLDOVA PARLIAMENTARY ELECTIONS

Mr. CARDIN. Mr. President, with the coming parliamentary elections scheduled for April 5, Moldova is once again at a crucial juncture in its domestic political development.

In recent years, Moldova's cooperation with the United States has deepened, with steady progress through the initial stages of the Millennium Challenge Threshold Program, which promises to bring significant material assistance to Moldova in the near future. Additionally, Moldova has advanced in its quest for greater European integration. To continue to build upon and consolidate these positive developments, it is crucial that the current campaign and voting on April 5 be conducted in a manner consistent with Moldova's commitment to meeting OSCE election standards.

Since achieving independence in 1991, Moldova has had a generally positive record in conducting and respecting the results of free elections. However, there have been shortcomings and it is essential that Moldova avoid repeating practices that have drawn criticism in previous contests.

Specifically, national and local authorities must make every effort to ensure a level and transparent playing field for all candidates during the campaign and avoid the use of administrative resources to hamper political rivals. It is also important that the authorities make efforts to ensure access to the media for all candidates and representatives of political parties. Finally, law enforcement bodies must safeguard the public's basic right to freely and publicly assemble to express their views in a peaceable manner.

As Chairman of the Commission on Security and Cooperation in Europe, I would underscore the importance that all involved in Moldova's upcoming parliamentary elections ensure compliance with international norms. This is crucial, not only for the future of democratic reform in Moldova, but also for the country's further economic development and progress along its chosen path of European integration.

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.

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

My husband and I moved to Shelley in May of 2007, and drive to work in Idaho Falls Monday through Friday. Since we work different hours, we are unable to carpool. When we first moved here, we budgeted approx. $210 per month for gas and we now budget approx. $320. We do not drive new, gas-guzzling cars. My husband drives a 1987 Ford Bronco II (we are on our third engine) and I drive a 1995 Ford F–150 pick-up. Both cars have four-wheel drive, which is necessary in the winter months, and the pick-up is needed as we own 6 acres. Add this increase to the gas needed for a riding lawnmower and a quad (both are needed to maintain our property), we probably spend $350 a month in gas. I believe Congress has no idea of what the average wage earner/homeowner goes through every month just trying to get by and pay bills. There will be no vacations this year as we cannot afford to pay for gas and travel anywhere. Along with the increase in gas prices, we have found our grocery bills have increased along with just about everything else. (the trickle-down effect) Wages in Idaho are not high and the cost of gasoline seriously impacts our budget. I am in support of more domestic drilling and believe we depend too much on foreign oil.

LAURIE, *Shelley*.

My husband and I both work at the Idaho National Laboratory and also operate a small beef cattle ranch. The rising costs have been affecting us but really started hitting hard last year.

First, we live in Howe and work at the INL. We work at one of the closest facilities to Howe, yet, it is still 20 miles one way. I work a 4×10 schedule and my husband works a rotating 4×12 schedule. Our schedules do not coincide with one another so we are unable to carpool. So, we both have to drive separate vehicles 4 days a week. He is unable to carpool because no one else in Howe works his same schedule. I carpool with another neighbor who works 4×10s at my facility, so I drive twice a week. We are driving a minimum of 240 miles per week. All of our vehicles are ranch vehicles so they get between 8 and 16 mpg (with all the rising costs, we'd be hard pressed to afford a vehicle payment for an economy car). We try to ride our motorcycles when we can (40–60 mpg) but that is hard to do with a carpool. We are using 15–30 gallons of fuel a week, minimum, at a cost of $60–120/week or $240–480/month. That just for going to a steady paying job.

Second, our cattle graze on private ground 20 miles away. That was the closest we could get at a reasonable cost (which was 4 years ago). Because of the problems we have had with trespassers cutting fence lines, tearing up gates, cattle disappearing, and irrigation issues, we have to check on this daily from May to November. That is another 280 miles/week. So, another $140/week or $560/month.

The closest full-service shopping is 80 miles away in Rexburg, Idaho Falls, or Blackfoot. We have tried to keep the trips to town to a minimum, but, that too is hard to do with cattle, owning a home, and just plain living. We carpool to town to do our grocery shopping and only go every other week. That is another 180 miles once you spend the day driving all over town to get everything in one trip—and believe me it is an all day trip when you are shopping for 2 weeks worth of supplies for 2–3 families. Another potential $40 in fuel. We do not get to see our children, grandchildren or other family very often anymore because they are scattered all over the state. They cannot afford to spend the money on gas to come and visit and we have had to cut way back on these excursions. The cost for vehicle maintenance has shot through the roof, too. Tires are up about 50%, motor oil has double over the past couple of years, other maintenance supplies have increased and the cost of labor to have a ''professional'' do it is ridiculous (that is if you can get someone honest and reputable to do the work!).

Because we lost our BPA credit and Rocky Mountain Power raised the rates, our electric bill has gone up $60–100/month depending upon how much water we are pumping and how cold it is.

The hay prices shot up from about $85/ton to $150/ton—nearly double. So we are forced to either sell off half the herd or double our cost for hay/feed (for 50 head of cattle we'll be paying over $20,000). The market price for beef at auction has not increased making our profit margin take a nose dive. When there is less beef produced, the store cost goes up—but we do not see that money as a producer. Everyone else is getting their cut but the producer. Feed grain has gone up about 33%, and veterinary supplies have gone up.

The cost of everything has gone up to account for the fuel prices. Flour has doubled, milk went up $1/gallon, bread is $3/loaf (can you believe it—so I make my own). The cost of fencing supplies has gone up 75%. These are just a few things that cut into our bottom line.

I hear taxes (at least federal) are going back up and the marriage penalty will be back. Is there anyone in Congress that can keep their hand out of the piggy bank? My husband and I live within our means. With all of these rising costs, we are having to cut back on many other things—but we are doing it. It just seems that our government representatives are so wealthy and are ''entitled'' to special treatment wherever they live that they have grown completely out of touch with how the common person lives from day to day.

We are just one small family. We are spending well over $1000/month in fuel costs and just a few years ago I thought it was highway robbery to spend $400/month. The US needs to get off the ''enviro-nazi'' kick and start utilizing the resources we have.

Thanks for listening. Maybe this will help you make a difference for Idahoans and our country.

TEKLA, *Howe*.

Thank you for taking the time to hear from those you represent. Yes my family has had to cut back our spending as the fuel prices are driving up the costs of everything else. There is one area I am deeply concerned with, that is with the good people who help the less fortunate. There are companies like Meals on Wheels that are hurting because of the energy costs, the food costs, as well as the other expenses they have to bear. When I hear that these good people are trying to help others, it warms my heart, but when I hear these same companies are struggling to scrape together enough funds to continue to do the incredible job they do I am deeply sadden. The costs are rising to a point that it makes it difficult to be able to donate to these wonderful organizations. When I hear the oil companies are making record profits it angers me and I feel we are being taken advantage of. I do believe in free enterprise, but at what cost to the great people of our fantastic nation.

Please help,

Scott.

This is in response to your request for citizens to ''share your energy stories.''

Here are some of the results I am observing, of gas being more expensive:

Traffic is (slightly) down on the overcrowded roads in and around Boise.

People are getting rid of their gas-guzzlers and getting more economical modes of transportation.

People are making more responsible transportation choices. (Dare I say it? Might they even consider carpooling, or utilizing public transportation?)

Air pollution is down.

There is some real market-driven innovation going on, in the automotive world.

In other words, the results of higher fuel prices aren't all negative. Please think long and hard before getting the government more involved. (In the past, it hasn't always had the desired effect.)

If you could figure out some way to give the freight industry some relief, 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.

Ride a bicycle.

JOSH, *Boise*.

These days of high fuel and energy costs have been coming for a long time now. Since the 1970s, the writing has been on the wall. Had the government taken the lead and required meaningful efficiency standards of the auto industry, we may have avoided a war and would already be on our way to energy independence. Had we raised the fuel tax by a couple of pennies each year and invested it into mass transit and infrastructure, we would not be faced with crumbling roads and bridges.

We let the marketplace get into this mess; the marketplace will get us out of this mess, if we let it. The marketplace is merely correcting for the poor decisions of the past. Progress built on the promise of an unlimited supply, of a finite resource, is hardly progress at all. To call for more production is no solution. We have squandered an immense resource on gas guzzlers, motor sports of all kind. Agriculture's dependence on fossil fuels and petroleum based chemicals is coming back to haunt us.

The best time to plan for energy independence was 30 years ago. The second best time to plan for energy Independence is today. There are other contributing factors to the mess we are in such as, the failing dollar, former third world countries whose demand for energy will soon exceed ours. We brought all this on ourselves and now we do not like it. I would be willing to bet, ''we ain't seen nothin' yet''.

DOUG.

We moved from southern California and left a lucrative business four years ago to come to Idaho and put our children into smaller schools. We also began a business here that has done pretty well. Lately though, gas is eating up any chance of savings for college or cars for teens who need cars to work.

Beside working many hours and employing locals when we can, we also volunteer hundreds of hours coaching kids in youth sports. I also began an all-girls youth group 18 months ago, that has presently 40 girls that have attended and come pretty regularly. We are in a poorer area so up till now we provide many rides for these kids, many from single parent homes, welfare homes, etc. These kids have been so appreciative of all the time and effort we invest in them and we see many making much better choices today that once were traveling down a very bad path in life.

How is gas affecting us, family of five? For one, we have started turning down some pretty good jobs we would usually bid within a 90-mile radius due to gas prices. Since my husband has to drive a truck to carry all of his heavy equipment to do the jobs, he has no choice but to pay for higher gas. For me, I have to choose to not pick up all the kids that I have been to keep them in youth group and sports. Some of these parents do not even own cars, so now that means some of these kids who were responding so positively either have to walk a great deal to get to a place I can pick them up (also a danger in today's world) or they do not always get to attend. I too may have to cut my hrs in volunteering soon as we just cannot afford the gas to do as much as we always have in the past.

One more way it is affecting us is we have a son ready to begin college and he may actually have to go without a vehicle. His older car broke down and, in order to purchase an energy-efficient vehicle, we would have to give up paying for college basically. We cannot afford to do both. We have another son also driving, but he cannot afford the gas prices to get to a job at minimum wage on a part-time basis. He works for his dad all summer, but gas prices is preventing him from working all school year for the minimum wage on a part-time basis (15 hr average locally for youth jobs during school year).

We ask the Congress to push harder to drill here at home, to open another refinery while they continue exploring all other energy efficient ideas. We too want the environment protected, but first we must make certain people can afford to go to school and to work. We do think the congress needs to put some pressure on and get our gas prices lowered (environmentalist caused in our opinions), but we do not believe the government should be taking over the oil companies.

We thank you for your time and hope that you can work to get this resolved before none of us are able to work.

KEN and ROSSA, *Lenore*.

I wanted to write you about the insanely high price of gas. My wife and I both hold jobs in different parts of Boise so we could not carpool together. Her car gets great gas mileage; mine, on the other hand, does not. When the price of gas going up, I was looking at paying almost $200 in fuel a month for my own transportation probably closer to $300 with both of our cars together. We simply cannot afford $300 a month for just gas. I decided to find a new means of transportation to work—my bicycle. While I am not complaining about riding my bike to work, I have to keep looking down the road and know that winter is coming and with $135 barrel of oil prices that means high gas prices when it is cold out, too. Congress or the House or the President or someone needs to take the reins and get control over this crisis. I keep hearing about how we went to war in Iraq for oil. If that is true, then why are not we taking oil out of Iraq to repay all the money that we have spent over there to increase our national debt to an insane amount? Why are we not drilling in Alaska? Or on the Outer Continental Shelf? Or exploring the coal to oil possibility? With all of the unemployment that is happening right now in our country opening up even one of these possibilities could create new jobs for people that are out of work right now, bring down the price of gas and oil, and we could stop funding countries that hate America. I do not understand how simple working Americans can see the solutions to this problem but our elected officials either cannot see the solutions or just do not care to fix the problem they helped to create. Thank you for your time.

KYLE, *Boise*.

Despite the fact that a month ago I have recently acquired a higher paying job (more than I have ever made), we are having to now decide which bills get paid and which ones do not. My fiancee and I over the past few years, worked diligently to reduce or eliminate our debt, save money for both short term and long term. We were being very responsible middle Americans.

We have not been able to successfully budget the increases in what we have to pay for gas and everything else that has gone up in price.

Now all that our debts have gone up and our emergency funds our depleted.

It is not as though we have been spending more. We have made as many cutbacks as we could. Gotten rid of cable, switched all of our bulbs to fluorescent, do not go out to eat anymore, and quality time family excursions including movies just do not happen anymore.

What else do we do when suddenly prices go up and you have to get to work, but the tank is empty and bills need paid or they shut off the power, etc.? Companies never give you a raise as quickly as prices go up. In fact, most people do not even get raises anymore. We are paying on average of $150 to $200 more a month than before. We do have to drive more than the average person until the wedding over and house is sold.

I already work long hours, leave the house at 6:45 am to arrive back at 7 pm exhausted go to bed at 10 pm. When would I have time to get another job? We have been selling off things we own for extra money. We have not had time to adjust. These rapid increases are killing us financially.

MONTE.

I am taking this opportunity to respond to you call for input on high energy prices. I live in Pocatello and must drive to work daily to go to work in Idaho Falls, a 100-mile round trip. My wife owns a restaurant in Pocatello, so moving would only change who commutes. The high gasoline prices have affected my personal driving habits in that I have started driving at 55 miles per hour again. If I drive at 75 mph, my car will go 19 to 20 miles per gallon of gasoline. I have found that when I drive at 55 mph, my car will go 32 to 34 miles per gallon. I only have to leave the house 15 minutes earlier in the morning to get to work on time.

I was in Nebraska a few weeks ago. I noticed that while Nebraska has not lowered posted speed limit for trucks, almost all trucks were cruising between 60 and 65 mph. Since a truck is much less streamlined, I would guess that their fuel efficiency gains are even more dramatic than mine.

I realize that, for most Americans, the vast majority of driving is done in a city where the speeds are much lower and the traffic is stop and go, so simply driving slower will not have a significant impact on fuel efficiency. But gasoline use can be greatly reduced in urban areas also. I have two sons who both get all over Pocatello very easily, and neither one of them drives an average of ten miles a week. They both walk or ride bicycles almost everywhere they go. They even takes backpacks to the grocery store and laundromats, which for one of them are over a mile and a half from his house (the other lives only around the corner from a grocery store, and his laundry seems to mysteriously appear at my house).

I do believe that urban planners in the West have long neglected pedestrian-friendly neighborhoods and business districts, not to mention the almost complete lack of attention towards mass transit systems both in and between urban areas. Congress should address these items as viable tools to curb energy demand along with promoting development of alternative energy sources. Congress should also mandate the diversification of our energy supply, which, by the way, should also be a Homeland Security priority.

Congress has known that our energy availability is getting more and more questionable for over thirty years, and has done little to promote developing new energy resources or promote curbing energy use. Simply exploring for more oil within the United States will not solve the problems, it will only prolong the problem at great cost.

BOB.

ADDITIONAL STATEMENTS

TRIBUTE TO ST. XAVIER HIGH SCHOOL STUDENTS

● Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Nathan Horrell and Will Spence from St. Xavier High School, Louisville, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

Nathan Horrell and Will Spence both have shown great analytical and writing skills in their submitted papers. Each student entered an analysis of Mary Shelley's 1818 novel ''Frankenstein,'' which they both wrote during their junior year in high school. At the contest, Nathan wrote his timed essay on the connection between the Internet and politics and Will wrote a short story.

I am impressed by the excellence these two students have displayed. I am confident that they will have success in greater challenges in the future.

Mr. President, I would like to thank Nathan Horrell and Will Spence for their contributions to the Commonwealth of Kentucky and wish them the best of luck in their future endeavors.●

TRIBUTE TO COLONEL ALVA BRYAN ''RED'' LASSWELL

● Mrs. LINCOLN. Mr. President, today I wish to honor a man from Arkansas

who had a strong sense of duty toward his country from a very young age. COL Alva Bryan Lasswell, known as ''Red'' to friends, was a World War II war hero whose service has gone unrecognized for most of his life. I believe it is finally time to honor Colonel Lasswell for the brave servicemember that he was.

When he was only 13 years old, Colonel Lasswell tried to join the Marine Corps. Due to age requirements, the future hero would have to wait until his 21st birthday to enlist. Throughout his distinguished military career, Colonel Lasswell was awarded the rank of 2nd lieutenant and served in Navy intelligence.

During World War II, he was stationed at Pearl Harbor and was selected as one of 10 officers to take part in the elite intelligence gathering unit. In May 1942, Colonel Lasswell intercepted an unusual message that he reported to Navy headquarters. The message was a Japanese Operational Order authorizing the Battle of Midway. As a result of Lasswell's heroic service, the Navy was able to prepare for the attack, and the Battle of Midway would go on to become the first major victory for the Navy in World War II.

This was not the end of his service however. Colonel Lasswell later translated a message which led to the shooting down of a plane carrying Japanese Adminral Isoroku Yamamoto in 1943, and in 1944 he recovered intelligence which involved a plot to assassinate GEN Douglas MacArthur. In addition, Lasswell's intelligence helped the U.S. Navy Antisubmarine Group sink at least five submarines in 1944. Lasswell completed his military career in 1956, serving as Chief of Staff for the Marine Recruit Depot.

Despite his tremendous service to his country, Colonel Lasswell never received distinction or recognition for his intelligence recovery efforts during World War II. At this time, I would like to pay him the tribute he has deserved for so long.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF FINE GRAIN GRAPHITE TO BE USED FOR SOLAR CELL APPLICATIONS AND FOR THE FABRICATION OF COMPONENTS USED IN ELECTRONIC AND SEMICONDUCTOR FABRICATION IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY, AND THAT THE MATERIAL AND EQUIPMENT WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 13

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:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify to the Congress that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication, and two dual-motor, dual-shaft mixers to be used to produce carbon fiber and epoxy prepregs for the commercial airline industry is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, *March 17, 2009.*

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

At 2:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, on of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. Courtney of Connecticut and Mr. Coble of North Carolina.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–952. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''2008 Annual Report; Packers and Stockyards Program''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–953. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Formaldehyde, Polymer with 2-Methyloxirane and 4-Nonylphenol; Tolerance Exemption'' (FRL-8399-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–954. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL–8402–8) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–955. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerances for

Emergency Exemptions'' (FRL–8400–1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–956. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–957. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–958. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC–959. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC–960. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Scranton, Pennsylvania'' (MB Docket No. 08–125) received in the Office of the President of the Senate on March 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–961. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Louisiana Black Bear (Ursus americanus luteolus)'' (RIN1018–AV52) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–962. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx'' (RIN1018–AV78) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–963. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Phyllostegia hispida (No Common Name) as Endangered Throughout Its Range'' (RIN1018–AV00) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference'' (FRL–8775–3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference'' (FRL-8775-2) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–966. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory'' (FRL-8777-3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–967. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation'' (FRL-8773-1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–968. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory'' (FRL-8777-4) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–969. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference'' (FRL-8759-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–970. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification'' (FRL-8780-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–971. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Determination to Approve Research, Development, and Demonstration Request for the Salt River Landfill'' (FRL-8777-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–972. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–973. A communication from the Secretary General, Inter-Parliamentary Union, transmitting a report relative to the annual session of the Parliamentary Conference on the WTO; to the Committee on Foreign Relations.

EC–974. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0028 - 2009-0030); to the Committee on Foreign Relations.

EC–975. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $100,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–976. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–977. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Germany; to the Committee on Foreign Relations.

EC–978. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of major defense equipment and associated technical data and defense services in the amount of $14,000,000 or more to India; to the Committee on Foreign Relations.

EC–979. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States''; to the Committee on the Judiciary.

EC–980. A communication from the Deputy Under Secretary of Defense (Civilian Personnel Policy), transmitting, pursuant to law, notification of the status of a report relative to the need for and feasibility of a mental health scholarship program; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Agriculture, Nutrition, and Forestry.

*Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

*Gary Gensler, of Maryland, to be Chairman of the Commodity Futures Trading Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 606. A bill to amend the National and Community Service Act of 1990 to establish a Veterans Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 609. A bill to amend the National and Community Service Act of 1990 to establish a Nonprofit Capacity Building Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. DURBIN, Mr. MENENDEZ, Mr. BROWN, and Mr. KENNEDY):

S. 611. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 613. A bill to prohibit the use of Federal funds to approve certain biologics license applications by the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. MCCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"); to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN:

S. 616. A bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 617. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr. DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. BINGAMAN, Ms. COLLINS, Ms. CANTWELL, and Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 625. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors 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.

S. 277

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 277, supra.

S. 316

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 365

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 365, a bill to establish in the Department of Justice the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes.

S. 366

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 366, a bill to amend the Social Security Act to eliminate the 5-month waiting period for Social Security disability and the 24-month waiting period for Medicare benefits in the cases of individuals with disabling burn injuries.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diesases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 423, a bill to amend title 38,

United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 435

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 525

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Convenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to revise the 1986 law dealing with use of National Forests for ski areas in order to reflect current ways those areas are used and to provide clear authority for the Forest Service to allow additional recreational uses of those areas.

I have long thought it is in the national interest to encourage Americans to engage in outdoor recreational activities that can contribute to their health and well-being, and that National Forest lands, including ski areas, can play a role by providing opportunities for such activities.

My interest in the subject was heightened last year when representatives of the National Ski Areas Association brought to my attention the fact that the National Forest Ski Areas Permit Act of 1986. This law speaks only to ''nordic and alpine skiing'' and does not reflect the full spectrum of snowsports for which ski areas are now used. They described this problem as the absence of clear authority for the Forest Service to permit use of ski areas for other summer, seasonal, or year-round outdoor recreational activities and facilities in support of those activities.

To better understand the matter, I sent a letter asking the Under Secretary of Agriculture for Natural Resources and the Environment whether current law could be clearer on those points. Under Secretary Mark Rey replied that the 1986 legislation indeed did not address those matters and that, if requested, the USDA ''would be happy to work with you to amend'' the law to provide the Forest Service with clear authority regarding such activities and facilities.

I did request and receive technical suggestions from the Forest Service, and have considered their input as well as suggestions from the National Ski Areas Association and other interested parties in developing the bill that I introduced in the U.S. House of Representatives last year.

Today, I am introducing this bill in the Senate.

The bill intentionally uses a number of terms and phrases based on the terminology of the Forest Service's regulations, manual, or other official documents because those terms and phrases are familiar not only to the Forest Service but also to permittees and others with an interest in the management of the National Forests. Thus, as used in the bill the term ''developed

recreation'' means recreation that occurs at an area which has been improved or developed for that purpose—such as camping in constructed campgrounds or developed opportunities for off-highway-vehicle use as well as downhill skiing. Similarly, the term ''natural-resource-based recreation'' is intended to have the same meaning as when used in the Forest Service manual 2300, Recreation, Wilderness, and Related Resource Management.

It also should be noted that the bill deals only with the 1986 National Forest Ski Areas Act, and would not in any way affect any other law applicable to management of the National Forests or any permits issued under any of those laws.

Ski area permits under the 1986 law do give their holders a priority with respect to commercial use of the lands subject to the permits, but they do not preclude general use of those lands by the public for compatible, non-commercial uses, and the bill would not change that. In fact, the bill does not affect the status, the duration, or any other provision of any permit already issued under the 1986 law, nor does it provide for any new permits. Instead, it makes clear that the Forest Service is authorized—but not required—to allow a current or future holder of a permit under the 1986 law to provide opportunities for additional developed recreational activities, and to place associated facilities, on the lands covered by that permit if the specified requirements are met and if the Forest Service decides it would appropriate for that to occur.

And it would not affect any existing or future permit related to use of lands that are not subject to ski area permits under the 1986 law or in any way reduce or otherwise modify the extent to which the Forest Service can allow any particular use on any of those lands outside ski areas.

This is a narrowly-targeted bill that I think can be valuable regarding an important aspect of the management of the National Forests and in facilitating the provision of additional opportunities for seasonal and year-round recreational activities on the parts of those lands that are subject to permits under the 1986 law.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

OUTLINE OF THE BILL

Section 1 sets forth findings regarding the basis for the legislation, and states its purpose. The findings note that it is in the national interest to provide, and encourage Americans to take advantage of, opportunities to engage in outdoor recreational activities that can contribute to their health and well-being; that National Forests, including those areas used for skiing, can provide such opportunities during all four seasons; that increased use of ski areas for that purpose can reduce impacts on other National Forest lands; and that it is in the national interest to revise the National Forest Ski Area Permit Act. The purpose is to amend that 1986 law so as to reflect that other snowsports, in addition to nordic and alpine skiing, occur at ski areas and to clarify the Forest Service's authority to permit additional appropriate seasonal or year-round recreational uses of lands subject to permits under that law.

Section 2 would amend the National Forest Ski Area Permit Act of 1986 in three ways: (1) by replacing current language that refers only to ''nordic and alpine skiing'' with broader terminology to reflect that additional ski areas are also used for additional snowsports, such as snowboarding.

(2) by providing specific authority for the Forest Service to authorize the holder of a ski area permit under the 1986 law to provide additional recreational opportunities (and to have associated facilities) on lands covered by that permit. This authority is limited to activities and facilities that the Forest Service determines appropriate, that encourage outdoor recreation, and that harmonize to the natural environment to the extent practicable. The bill makes clear that the activities and facilities will be subject to such terms and conditions as the Forest Service determines appropriate. It also specifies that no activity or facility can be authorized if the agency determines that authorization would result in the primary recreational purpose of lands covered by a permit under the 1986 law would not be skiing or other snowsports.

(3) Finally, the bill would delete from the 1986 law obsolete language related to a deadline for conversion of previously-issued ski-area permits to permits under the 1986 law, while retaining the requirement that regulations be promulgated to implement that law—a requirement that will apply to the law as it would be amended by the bill.

Section 3 specifies that the bill will not affect any authority the Forest Service now has under laws other than the National Forest Ski Area Permit Act of 1986, including authority with respect to recreational activities or facilities.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. TESTER. Mr. President, I rise today to introduce the Common Sense in Consumer Product Safety Act of 2009 on behalf of the folks across America who are outdoor enthusiasts and budding sportsman and women. This bill will bring a common sense approach to restrictions we place upon access to children's products.

Last fall, in response to the high lead paint content found in a number of toys and products intended for children, the Congress passed legislation to limit children's access to these dangerous products. Many of these products were imports from China and other places where consumer protection is weak or non-existent. I supported this legislation, as did 78 of my colleagues.

Today, however, we have learned that this bill has had some unintended consequences. Any product sold that is intended to be used by children up to the age of 12 must be tested and certified to not contain more than the allowable level of lead.

While the goal is admirable, it is important to inject a little common sense into the process. I want our kids and grandkids to be safe and protected from harmful toys, but we all know that most kids who are past the teething stage do not chew on their toys. It is important to enact responsible safety requirements while at the same time recognizing that overzealous restrictions can interfere with a way of life enjoyed by not just Montanans, but outdoor enthusiasts across America.

As the Vice Chairman of the Congressional Sportsmen's Caucus, I am proud to stand up for Montana's outdoor heritage at every chance. Unfortunately, the new law goes too far and limits younger Montanans' opportunities to be a part of that heritage.

My bill will protect small businesses and allow families better, safer access to the outdoors.

The current law extends to all products intended for the use of children through the age of 12. This includes ATVs, dirt bikes and other vehicles built specifically for the use of older kids and adults; the way the vehicles are built, parts that might include lead are not totally sealed away and therefore they do not pass the standard of inaccessibility required by law. As a result of this requirement, a number of ATV sales and retail establishments have halted the sale of all ATVs for kids. In an abundance of caution, they have also refused to repair any equipment intended for kids use.

I have heard from many Montanans—consumers and retail sales people alike—expressing their concern about the impact of the legislation upon outdoor motor sports. Therefore today, I am introducing this bill to designate an exception for vehicles intended to be used by children between the ages of 7 and 12.

In addition to manufacturers and merchants, thrift stores and other retail establishments are also implicated because of the wide-reaching scope of the legislation. It is possible that even holding a yard sale can lead folks astray from the new law. Therefore, my bill also removes liability for lead paint content in any product that is repaired or is resold by thrift stores, flea markets or at yard sales. The liability in place at the time of primary sale of these products is sufficient and it could cripple the profitability of the secondary merchants if they were to be liable for testing the products they resell or repair.

In this tough economy, second-hand resellers simply can not afford the third-party testing requirement put in place by last fall's bill. At the same time, more and more of Montana's families are finding their budgets tighten and are relying upon thrift and resale stores for toys, children's clothing and other household goods. I want to make sure that laws intended to keep our kids safe end up doing more harm than good.

I think this a very important bill, bringing a dose of common sense to the very important goal of protecting our kids from lead paint and other substances that will harm their health. I urge my colleagues to join me in this effort.

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. 608

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 ''Common Sense in Consumer Product Safety Act of 2009''.

SEC. 2. EXCLUSION OF SECONDARY SALES, REPAIR SERVICES, AND CERTAIN VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) EXCLUSION OF SECONDARY SALES AND REPAIR SERVICES.—Subsection (a) of section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) is amended by adding at the end the following:

''(3) CONSTRUCTION.—

''(A) SECONDARY SALES.—The sale of a children's product described in paragraph (1) after the first retail sale of that product shall not be considered an introduction or delivery for introduction into interstate commerce under section 4(a) of the Federal Hazardous Substances Act (15 U.S.C. 1263(a)) of such product.

''(B) REPAIR SERVICES.—The repair of a children's product described in paragraph (1) shall not be considered an introduction or delivery for introduction into interstate commerce under such section 4(a) of such product.''.

(b) EXCLUSION OF CERTAIN VEHICLES.—Subsection (b) of such section 101(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

''(5) CERTAIN VEHICLES.—A vehicle designed or intended primarily for children 7 years of age or older shall not be considered a children's product for purposes of the prohibition in subsection (a). In determining whether a vehicle is primarily intended for a child 7 years of age or older, the factors specified in section 3(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(2)) shall be considered except that such section shall be applied by substituting '7 years of age or older' for '12 years of age or younger' each place that term appears.''.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. KYL. 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. 610

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 ''Patent Reform 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. Right of the first inventor to file.
Sec. 3. Inventor's oath or declaration.
Sec. 4. Damages.
Sec. 5. Post-grant review proceedings.
Sec. 6. Definition; patent trial and appeal board.
Sec. 7. Submissions by third parties and other quality enhancements.
Sec. 8. Venue.
Sec. 9. Patent and trademark office regulatory authority.
Sec. 10. Applicant quality submissions.
Sec. 11. Inequitable conduct.
Sec. 12. Conversion of deadlines.
Sec. 13. Check imaging patents.
Sec. 14. Patent and trademark office funding.
Sec. 15. Technical amendments.
Sec. 16. Effective date; rule of construction.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'coinventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or otherwise made available to the public (other than through testing undertaken to reduce the invention to practice)—

''(A) more than 1 year before the effective filing date of the claimed invention; or

''(B) 1 year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

''(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the subject matter and the claimed invention were made by or on behalf of 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; nonobvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would

have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) of title 35, United States Code, is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 1 year after the date of first publication of an application or of the issuance of a patent, whichever is earlier, containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant whose application has the earlier effective filing date of the commonly claimed invention.

''(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or that commences the national stage under section 371 (including an application under section 111 that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor) shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 of title 35, United States Code, is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking '', and shall set forth'' and all that follows through ''his invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended to read as follows:

''§ 284. Damages

''(a) IN GENERAL.—

''(1) COMPENSATORY DAMAGES.—Upon finding for a claimant, the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as determined by the court.

''(2) INCREASED DAMAGES.—When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.

''(3) LIMITATION.—Subsections (b) through (h) of this section apply only to the determination of the amount of reasonable royalty and shall not apply to the determination of other types of damages.

''(b) HYPOTHETICAL NEGOTIATION.—For purposes of this section, the term 'reasonable royalty' means the amount that the infringer would have agreed to pay and the claimant would have agreed to accept if the infringer and claimant had voluntarily negotiated a license for use of the invention at the time just prior to when the infringement began. The court or the jury, as the case may be, shall assume that the infringer and claimant would have agreed that the patent is valid, enforceable, and infringed.

''(c) APPROPRIATE FACTORS.—The court or the jury, as the case may be, may consider any factors that are relevant to the determination of the amount of a reasonable royalty.

''(d) COMPARABLE PATENTS.—

''(1) IN GENERAL.—The amount of a reasonable royalty shall not be determined by comparison to royalties paid for patents other than the patent in suit unless—

''(A) such other patents are used in the same or an analogous technological field;

''(B) such other patents are found to be economically comparable to the patent in suit; and

''(C) evidence of the value of such other patents is presented in conjunction with or as confirmation of other evidence for determining the amount of a reasonable royalty.

''(2) FACTORS.—Factors that may be considered to determine whether another patent is economically comparable to the patent in suit under paragraph (1)(A) include whether—

''(A) the other patent is comparable to the patent in suit in terms of the overall significance of the other patent to the product or process licensed under such other patent; and

''(B) the product or process that uses the other patent is comparable to the infringing product or process based upon its profitability or a like measure of value.

''(e) FINANCIAL CONDITION.—The financial condition of the infringer as of the time of the trial shall not be relevant to the determination of the amount of a reasonable royalty.

''(f) SEQUENCING.—Either party may request that a patent-infringement trial be sequenced so that the court or the jury, as the case may be, decides questions of the patent's infringement and validity before the issue of the amount of a reasonable royalty is presented to the court or the jury, as the case may be. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery.

''(g) EXPERTS.—In addition to the expert disclosure requirements under rule 26(a)(2) of the Federal Rules of Civil Procedure, a party that intends to present the testimony of an expert relating to the amount of a reasonable royalty shall provide—

''(1) to the other parties to that civil action, the expert report relating to damages, including all data and other information considered by the expert in forming the opinions of the expert; and

''(2) to the court, at the same time as to the other parties, the complete statement of

all opinions that the expert will express and the basis and reasons for those opinions.

''(h) JURY INSTRUCTIONS.—On the motion of any party and after allowing any other party to the civil action a reasonable opportunity to be heard, the court shall determine whether there is no legally sufficient evidence to support 1 or more of the contentions of a party relating to the amount of a reasonable royalty. The court shall identify for the record those factors that are supported by legally sufficient evidence, and shall instruct the jury to consider only those factors when determining the amount of a reasonable royalty. The jury may not consider any factor for which legally sufficient evidence has not been admitted at trial.''.

(b) TESTIMONY BY EXPERTS.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

''§ 298. Testimony by experts

''(a) FEDERAL RULE.—In a patent case, the court shall ensure that the testimony of a witness qualified as an expert by knowledge, skill, experience, training, or education meets the requirements set forth in rule 702 of the Federal Rules of Evidence.

''(b) DETERMINATION OF RELIABILITY.—To determine whether an expert's principles and methods are reliable, the court may consider, among other factors—

''(1) whether the expert's theory or technique can be or has been tested;

''(2) whether the theory or technique has been subjected to peer review and publication;

''(3) the known or potential error rate of the theory or technique, and the existence and maintenance of standards controlling the technique's operation;

''(4) the degree of acceptance of the theory or technique within the relevant scientific or specialized community;

''(5) whether the theory or technique is employed independently of litigation; or

''(6) whether the expert has adequately considered or accounted for readily available alternative theories or techniques.

''(c) REQUIRED EXPLANATION.—The court shall explain its reasons for allowing or barring the introduction of an expert's proposed testimony under this section.''.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

''(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) REPEAL OF OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—

(1) IN GENERAL.—Sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, and the items relating to those sections in the table of sections, are repealed.

(2) EFFECTIVE DATE.—Notwithstanding paragraph (1), the provisions of sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, shall continue to apply to any inter partes reexamination determination request filed on or before the effective date of subsection (c).

(c) POST-GRANT REVIEW PROCEEDINGS.—Part III of title 35, United States Code, is amended by adding at the end the following:

''CHAPTER 32—POST-GRANT REVIEW PROCEEDINGS

''Sec.

''321. Petition for post-grant review.
''322. Relation to other proceedings or actions.
''323. Requirements of petition.
''324. Publication and public availability of petition.
''325. Consolidation or stay of proceedings.
''326. Submission of additional information.
''327. Institution of post-grant review proceedings.
''328. Determination not appealable.
''329. Conduct of post-grant review proceedings.
''330. Patent owner response.
''331. Proof and evidentiary standards.
''332. Amendment of the patent.
''333. Settlement.
''334. Decision of the board.
''335. Effect of decision.
''336. Appeal.

''§ 321. Petition for post-grant review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who has a substantial economic interest adverse to a patent may file with the Office a petition to institute a post-grant review proceeding for that patent. If instituted, such a proceeding shall be deemed to be either a first-period proceeding or a second-period proceeding. The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review proceeding and the status of the petitioner.

''(b) FIRST-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a first-period proceeding may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

''(2) FILING DEADLINE.—A petition for a first-period proceeding shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

''(c) SECOND-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a second-period proceeding may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

''(2) FILING DEADLINE.—A petition for a second-period proceeding shall be filed after the later of either—

''(A) 9 months after the grant of a patent or issuance of a reissue of a patent; or

''(B) if a first-period proceeding is instituted under section 327, the date of the termination of such first-period proceeding.

''§ 322. Relation to other proceedings or actions

''(a) EARLY ACTIONS.—A first-period proceeding may not be instituted until after a civil action alleging infringement of the patent is finally concluded if—

''(1) the infringement action is filed within 3 months after the grant of the patent;

''(2) a stay of the proceeding is requested by the patent owner;

''(3) the Director determines that the infringement action is likely to address the same or substantially the same questions of patentability that would be addressed in the proceeding; and

''(4) the Director determines that a stay of the proceeding would not be contrary to the interests of justice.

''(b) PENDING CIVIL ACTIONS.—

''(1) INFRINGER'S ACTION.—A post-grant review proceeding may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

''(2) PATENT OWNER'S ACTION.—A second-period proceeding may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

''(3) STAY OR DISMISSAL.—The Director may stay or dismiss a second-period proceeding if the petitioner or real party in interest challenges the validity of a claim of the patent in a civil action.

''(c) DUPLICATIVE PROCEEDINGS.—

''(1) PROHIBITION ON POST-GRANT REVIEW AND REEXAMINATION PROCEEDINGS.—A post-grant review or reexamination proceeding may not be instituted if the petition requesting the proceeding identifies the same petitioner or real party in interest and the same patent as a previous petition requesting a post-grant review proceeding.

''(2) PROHIBITION ON FIRST-PERIOD PROCEEDINGS.—A first-period proceeding may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(b)(2) would bar filing a post-grant review petition for such original patent.

''(d) ESTOPPEL.—The petitioner in any post-grant review proceeding under this chapter may not request or maintain a proceeding before the Office with respect to a claim, or assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid, on any ground that—

''(1) the petitioner, real party in interest, or his privy raised during a post-grant review proceeding resulting in a final decision under section 334; or

''(2) the petitioner, real party in interest, or his privy could have raised during a second-period proceeding resulting in a final decision under section 334.

''§ 323. Requirements of petition

''A petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for each challenged claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (3) and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Publication and public availability of petition

''(a) IN GENERAL.—As soon as practicable after the receipt of a petition under section 321, the Director shall—

''(1) publish the petition in the Federal Register; and

''(2) make that petition available on the website of the United States Patent and Trademark Office.

''(b) PUBLIC AVAILABILITY.—The file of any proceeding under this chapter shall be made

available to the public except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal. Such petition or document shall be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleadings being placed in the public record.

"§ 325. Consolidation or stay of proceedings

''(a) FIRST-PERIOD PROCEEDINGS.—If more than 1 petition for a first-period proceeding is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the instituting of a first-period proceeding under section 327, the Director shall consolidate such proceedings into a single first-period proceeding.

''(b) SECOND-PERIOD PROCEEDINGS.—If the Director institutes a second-period proceeding, the Director, in his discretion, may join as a party to that second-period proceeding any person who properly files a petition under section 321 that the Director, after receiving a preliminary response under section 330 or the expiration of the time for filing such a response, determines warrants the instituting of a second-period proceeding under section 327.

''(c) OTHER PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review proceeding the Director may determine the manner in which any proceeding or matter involving the patent that is before the Office may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding or matter.

"§ 326. Submission of additional information

''A petitioner under this chapter shall file such additional information with respect to the petition as the Director may require by regulation.

"§ 327. Institution of post-grant review proceedings

''(a) THRESHOLD.—The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would provide a sufficient basis to conclude that at least 1 of the claims challenged in the petition is unpatentable.

''(b) ADDITIONAL GROUNDS.—In the case of a petition for a first-period proceeding, the determination required under subsection (a) may be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

''(c) SUCCESSIVE PETITIONS.—The Director may not institute an additional second-period proceeding if a prior second-period proceeding has been instituted and the time period established under section 329(b)(2) for requesting joinder under section 325(b) has expired, unless the Director determines that—

''(1) the additional petition satisfies the requirements under subsection (a); and

''(2) either—

''(A) the additional petition presents exceptional circumstances; or

''(B) such an additional proceeding is reasonably required in the interests of justice.

''(d) TIMING.—The Director shall determine whether to institute a post-grant review proceeding under this chapter within 3 months after receiving a preliminary response under section 330 or the expiration of the time for filing such a response.

''(e) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a). The Director shall publish each notice of institution of a post-grant review proceeding in the Federal Register and make such notice available on the website of the United States Patent and Trademark Office. Such notice shall list the date on which the proceeding shall commence.

"§ 328. Determination not appealable

''The determination by the Director regarding whether to institute a post-grant review proceeding under section 327 shall not be appealable.

"§ 329. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall prescribe regulations—

''(1) in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) for setting forth the standards for showings of sufficient grounds to institute a proceeding under section 321(a) and subsections (a), (b), and (c) of section 327;

''(3) providing for the publication in the Federal Register all requests for the institution of post-grant proceedings;

''(4) establishing procedures for the submission of supplemental information after the petition is filed; and

''(5) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding.

''(b) POST-GRANT REVIEW REGULATIONS.—The regulations required under subsection (a)(1) shall—

''(1) require that the final determination in any post-grant review proceeding be issued not later than 1 year after the date on which the Director notices the institution of a post-grant proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(b);

''(2) set a time period for requesting joinder under section 325(b);

''(3) allow for discovery upon order of the Director, provided that in a second-period proceeding discovery shall be limited to—

''(A) the deposition of witnesses submitting affidavits or declarations; and

''(B) what is otherwise necessary in the interest of justice;

''(4) prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(5) provide for protective orders governing the exchange and submission of confidential information;

''(6) ensure that any information submitted by the patent owner in support of any amendment entered under section 332 is made available to the public as part of the prosecution history of the patent; and

''(7) provide either party with the right to an oral hearing as part of the proceeding.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each proceeding authorized by the Director.

"§ 330. Patent owner response

''(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response—

''(1) in the case of a first-period proceeding, within 2 months of the expiration of the time for filing a petition for a first-period proceeding; and

''(2) in the case of a second-period proceeding, within a time period set by the Director.

''(b) CONTENT OF RESPONSE.—A preliminary response to a petition for a post-grant review proceeding shall set forth reasons why no post-grant review proceeding should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''(c) ADDITIONAL RESPONSE.—After a post-grant review proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

"§ 331. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 of this title shall apply in post-grant review proceedings instituted under this chapter.

''(b) BURDEN OF PROOF.—The petitioner shall have the burden of proving a proposition of invalidity by a preponderance of the evidence in a first-period proceeding and by clear and convincing evidence in a second-period proceeding.

"§ 332. Amendment of the patent

''(a) IN GENERAL.—During a post-grant review proceeding instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a reasonable number of substitute claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 333, or upon the request of the patent owner for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

"§ 333. Settlement

''(a) IN GENERAL.—A post-grant review proceeding instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the matter before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this section, no estoppel under this chapter shall apply to that petitioner. If no petitioner remains in the post-grant review proceeding, the Office may terminate the post-grant review proceeding or proceed to a final written decision under section 334.

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review proceeding under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the United States Patent and Trademark Office before the termination of the post-grant review proceeding as between the parties to the agreement or understanding. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review proceeding, and shall

be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

''§ 334. Decision of the board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 332.

''§ 335. Effect of decision

''If the Patent Trial and Appeal Board issues a final decision under section 334 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''§ 336. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant review proceeding instituted under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant review proceeding shall have the right to be a party to the appeal.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review Proceedings 321.''.

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (c) of this section.

(2) APPLICABILITY.—The amendments made by subsection (c) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply only to patents issued on or after that date, except that, in the case of a patent issued before the effective date of subsection (c) on an application filed between September 15, 1999 and the effective date of subsection (c), a petition for second-period review may be filed.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 6. DEFINITION; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITION.—Section 100 of title 35, United States Code, as amended by section 2 of this Act, is further amended in subsection (e), by striking ''or inter partes reexamination under section 311''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

''§ 6. Patent trial and appeal board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

''(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

''(4) conduct post-grant review proceedings under chapter 32.

Each appeal, derivation, and post-grant review proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.''.

SEC. 7. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

SEC. 8. VENUE.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Notwithstanding subsections (b) and (c) of section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment arising under any Act of Congress relating to patents may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or is incorporated;

''(2) where the defendant has committed acts of infringement and has a regular and established physical facility;

''(3) where the defendant has agreed or consented to be sued;

''(4) where the invention claimed in a patent in suit was conceived or actually reduced to practice;

''(5) where significant research and development of an invention claimed in a patent in suit occurred at a regular and established physical facility;

''(6) where a party has a regular and established physical facility that such party controls and operates and has—

''(A) engaged in management of significant research and development of an invention claimed in a patent in suit;

''(B) manufactured a product that embodies an invention claimed in a patent in suit; or

''(C) implemented a manufacturing process that embodies an invention claimed in a patent in suit;

''(7) where a nonprofit organization whose function is the management of inventions on behalf of an institution of higher education (as that term is defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including the patent in suit, has its principal place of business; or

''(8) for foreign defendants that do not meet the requirements of paragraphs (1) or (2), according to section 1391(d) of this title.''.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 1071(b)(4) of an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'') are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006.''.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108–447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. APPLICANT QUALITY SUBMISSIONS.

(a) IN GENERAL.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Additional information

''(a) INCENTIVES.—The Director may, by regulation, offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability. Such incentives may include prosecution flexibility, modifications to requirements for adjustment of a patent term pursuant to section 154(b) of this title, or modifications to fees imposed pursuant to section 9 of the Patent Reform Act of 2009.

''(b) ADMISSIBILITY OF RECORD.—If the Director certifies that an applicant has satisfied the requirements of the regulations issued pursuant to this section with regard to a patent, the record made in a matter or proceeding before the Office involving that patent or efforts to obtain the patent shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission, except that such record may be introduced to demonstrate that the patent owner is estopped from asserting that the patent is infringed under the doctrine of equivalents. The Director may, by regulation, identify any material submitted in an attempt to satisfy the requirements of any regulations issued pursuant to this section that also shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that, prior to the date of enactment of this section, the Director either lacked or possessed the authority to offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability.

SEC. 11. INEQUITABLE CONDUCT.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, as amended by section 4(b), is further amended by adding at the end the following:

''§ 299. Civil sanctions for misconduct before the Office

''(a) IN GENERAL.—Except as provided under this section, a patent shall not be held invalid or unenforceable on the basis of misconduct before the Office. Nothing in this section shall be construed to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition).

''(b) INFORMATION RELATING TO POSSIBLE MISCONDUCT.—The Director shall provide by regulation procedures for receiving and reviewing information indicating that parties to a matter or proceeding before the Office may have engaged in misconduct in connection with such matter or proceeding.

''(c) ADMINISTRATIVE PROCEEDING.—

''(1) PROBABLE CAUSE.—The Director shall determine, based on information received and reviewed under subsection (b), if there is probable cause to believe that 1 or more individuals or parties engaged in misconduct consisting of intentionally deceptive conduct of a material nature in connection with a matter or proceeding before the Office. A determination of probable cause by the Director under this paragraph shall be final and shall not be reviewable on appeal or otherwise.

''(2) DETERMINATION.—If the Director finds probable cause under paragraph (1), the Director shall, after notice and an opportunity for a hearing, and not later than 1 year after the date of such finding, determine whether misconduct consisting of intentionally deceptive conduct of a material nature in connection with the applicable matter or proceeding before the Office has occurred. The proceeding to determine whether such misconduct occurred shall be before an individual designated by the Director.

''(3) CIVIL SANCTIONS.—

''(A) IN GENERAL.—If the Director determines under paragraph (2) that misconduct has occurred, the Director may levy a civil penalty against the party that committed such misconduct.

''(B) FACTORS.—In establishing the amount of any civil penalty to be levied under subparagraph (A), the Director shall consider—

''(i) the materiality of the misconduct;

''(ii) the impact of the misconduct on a decision of the Director regarding a patent, proceeding, or application; and

''(iii) the impact of the misconduct on the integrity of matters or proceedings before the Office.

''(C) SANCTIONS.—A civil penalty levied under subparagraph (A) may consist of—

''(i) a penalty of up to $150,000 for each act of misconduct;

''(ii) in the case of a finding of a pattern of misconduct, a penalty of up to $1,000,000; or

''(iii) in the case of a finding of exceptional misconduct establishing that an application for a patent amounted to a fraud practiced by or at the behest of a real party in interest of the application—

''(I) a determination that 1 or more claims of the patent is unenforceable; or

''(II) a penalty of up to $10,000,000.

''(D) JOINT AND SEVERAL LIABILITY.—Any party found to have been responsible for misconduct in connection with any matter or proceeding before the Office under this section may be jointly and severally liable for any civil penalty levied under subparagraph (A).

''(E) DEPOSIT WITH THE TREASURY.—Any civil penalty levied under subparagraph (A) shall—

''(i) accrue to the benefit of the United States Government; and

''(ii) be deposited under 'Miscellaneous Receipts' in the United States Treasury.

''(F) AUTHORITY TO BRING ACTION FOR RECOVERY OF PENALTIES.—

''(i) IN GENERAL.—If any party refuses to pay or remit to the United States Government a civil penalty levied under this paragraph, the United States may recover such amounts in a civil action brought by the United States Attorney General on behalf of the Director in the United States District Court for the Eastern District of Virginia.

''(ii) INJUNCTIONS.—In any action brought under clause (i), the United States District Court for the Eastern District of Virginia may, as the court determines appropriate, issue a mandatory injunction incorporating the relief sought by the Director.

''(4) COMBINED PROCEEDINGS.—If the misconduct that is the subject of a proceeding under this subsection is attributed to a practitioner who practices before the Office, the Director may combine such proceeding with any other disciplinary proceeding under section 32 of this title.

''(d) OBTAINING EVIDENCE.—

''(1) IN GENERAL.—During the period in which an investigation for a finding of probable cause or for a determination of whether misconduct occurred in connection with any matter or proceeding before the Office is being conducted, the Director may require, by subpoena issued by the Director, persons

to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) ADDITIONAL AUTHORITY.—For the purposes of carrying out this section, the Director—

''(A) shall have access to, and the right to copy, any document, paper, or record, the Director determines pertinent to any investigation or determination under this section, in the possession of any person;

''(B) may summon witnesses, take testimony, and administer oaths;

''(C) may require any person to produce books or papers relating to any matter pertaining to such investigation or determination; and

''(D) may require any person to furnish in writing, in such detail and in such form as the Director may prescribe, information in their possession pertaining to such investigation or determination.

''(3) WITNESSES AND EVIDENCE.—

''(A) IN GENERAL.—The Director may require the attendance of any witness and the production of any documentary evidence from any place in the United States at any designated place of hearing.

''(B) CONTUMACY.—

''(i) ORDERS OF THE COURT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, any appropriate United States district court or territorial court of the United States may issue an order requiring such person—

''(I) to appear before the Director;

''(II) to appear at any other designated place to testify; and

''(III) to produce documentary or other evidence.

''(ii) FAILURE TO OBEY.—Any failure to obey an order issued under this subparagraph court may be punished by the court as a contempt of that court.

''(4) DEPOSITIONS.—

''(A) IN GENERAL.—In any proceeding or investigation under this section, the Director may order a person to give testimony by deposition.

''(B) REQUIREMENTS OF DEPOSITION.—

''(i) OATH.—A deposition may be taken before an individual designated by the Director and having the power to administer oaths.

''(ii) NOTICE.—Before taking a deposition, the Director shall give reasonable notice in writing to the person ordered to give testimony by deposition under this paragraph. The notice shall state the name of the witness and the time and place of taking the deposition.

''(iii) WRITTEN TRANSCRIPT.—The testimony of a person deposed under this paragraph shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a written transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Director.

''(e) APPEAL.—

''(1) IN GENERAL.—A party may appeal a determination under subsection (c)(2) that misconduct occurred in connection with any matter or proceeding before the Office to the United States Court of Appeals for the Federal Circuit.

''(2) NOTICE TO USPTO.—A party appealing under this subsection shall file in the Office a written notice of appeal directed to the Director, within such time after the date of the determination from which the appeal is taken as the Director prescribes, but in no case less than 60 days after such date.

''(3) REQUIRED ACTIONS OF THE DIRECTOR.—In any appeal under this subsection, the Director shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the determination proceeding. The court may request that the Director forward the original or certified copies of such documents during the pendency of the appeal. The court shall, before hearing the appeal, give notice of the time and place of the hearing to the Director and the parties in the appeal.

''(4) AUTHORITY OF THE COURT.—The United States Court of Appeals for the Federal Circuit shall have power to enter, upon the pleadings and evidence of record at the time the determination was made, a judgment affirming, modifying, or setting aside, in whole or in part, the determination, with or without remanding the case for a rehearing. The court shall not set aside or remand the determination made under subsection (c)(2) unless there is not substantial evidence on the record to support the findings or the determination is not in accordance with law. Any sanction levied under subsection (c)(3) shall not be set aside or remanded by the court, unless the court determines that such sanction constitutes an abuse of discretion of the Director.

''(f) DEFINITION.—For purposes of this section, the term 'person' means any individual, partnership, corporation, company, association, firm, partnership, society, trust, estate, cooperative, association, or any other entity capable of suing and being sued in a court of law.''.

(b) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended—

(1) by striking ''The Director may'' and inserting the following:

''(a) IN GENERAL.—The Director may''; and

(2) by adding at the end the following:

''(b) TOLLING OF TIME PERIOD.—The time period for instituting a proceeding under subsection (a), as provided in section 2462 of title 28, shall not begin to run where fraud, concealment, or misconduct is involved until the information regarding fraud, concealment, or misconduct is made known in the manner set forth by regulation under section 2(b)(2)(D) to an officer or employee of the United States Patent and Trademark Office designated by the Director to receive such information.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) INAPPLICABILITY TO PENDING LITIGATION.—Subsections (a) and (b) of section 298 of title 35, United States Code (as added by the amendment made by subsection (a) of this section), shall apply to any civil action filed on or after the date of the enactment of this Act.

SEC. 12. CONVERSION OF DEADLINES.

(a) Sections 141, 156(d)(2)(A), 156(d)(2)(B)(ii), 156(d)(5)(C), and 282 of title 35, United States Code, are each amended by striking ''30 days'' or ''thirty days'' each place that term appears and inserting ''1 month''.

(b) Sections 135(c), 142, 145, 146, 156(d)(2)(B)(ii), 156(d)(5)(C), and the matter preceding clause (i) of section 156(d)(2)(A) of title 35, United States Code, are each amended by striking ''60 days'' or ''sixty days'' each place that term appears and inserting ''2 months''.

(c) The matter preceding subparagraph (A) of section 156(d)(1) and sections 156(d)(2)(B)(ii) and 156(d)(5)(E) of title 35, United States Code, are each amended by striking ''60-day'' or ''sixty-day'' each place that term appears and inserting ''2-month''.

(d) Sections 155 and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''90 days'' or ''ninety days'' each place that term appears and inserting ''3 months''.

(e) Sections 154(b)(4)(A) and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''180 days'' each place that term appears and inserting ''6 months''.

SEC. 13. CHECK IMAGING PATENTS.

(a) LIMITATION.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) With respect to the use by a financial institution of a check collection system that constitutes an infringement under subsection (a) or (b) of section 271, the provisions of sections 281, 283, 284, and 285 shall not apply against the financial institution with respect to such a check collection system.

''(2) For the purposes of this subsection—

''(A) the term 'check' has the meaning given under section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(6));

''(B) the term 'check collection system' means the use, creation, transmission, receipt, storing, settling, or archiving of truncated checks, substitute checks, check images, or electronic check data associated with or related to any method, system, or process that furthers or effectuates, in whole or in part, any of the purposes of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.);

''(C) the term 'financial institution' has the meaning given under section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809);

''(D) the term 'substitute check' has the meaning given under section 3(16) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(16)); and

''(E) the term 'truncate' has the meaning given under section 3(18) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(18)).

''(3) This subsection shall not limit or affect the enforcement rights of the original owner of a patent where such original owner—

''(A) is directly engaged in the commercial manufacture and distribution of machinery or the commercial development of software; and

''(B) has operated as a subsidiary of a bank holding company, as such term is defined under section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), prior to July 19, 2007.

''(4) A party shall not manipulate its activities, or conspire with others to manipulate its activities, for purposes of establishing compliance with the requirements of this subsection, including, without limitation, by granting or conveying any rights in the patent, enforcement of the patent, or the result of any such enforcement.''.

(b) TAKINGS.—If this section is found to establish a taking of private property for public use without just compensation, this section shall be null and void. The exclusive remedy for such a finding shall be invalidation of this section. In the event of such invalidation, for purposes of application of the time limitation on damages in section 286 of title 35, United States Code, any action for patent infringement or counterclaim for infringement that could have been filed or continued but for this section, shall be considered to have been filed on the date of enactment of this Act or continued from such date of enactment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any civil action for patent infringement pending or filed on or after the date of enactment of this Act.

SEC. 14. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term ''Fund'' means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'').

(5) UNDERSECRETARY.—The term ''Undersecretary'' means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking ''Patent and Trademark Office Appropriation Account'' and inserting ''United States Patent and Trademark Office Public Enterprise Fund''; and

(B) by amending subsection (c) to read as follows:

''(c)(1) Subject to paragraphs (2) and (3), fees authorized in this title or any other Act to be charged or established by the Director shall be collected by and shall be available to the Director to carry out the activities of the Patent and Trademark Office.

''(2) All fees available to the Director under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.

''(3) All fees available to the Director under paragraphs (1), (2), and (3) of section 41(a) and section 41(d)(1) of this title, and those fees available to the Director which are derived from filing fees, Request for Continued Examination fees, and Information Disclosure Statement submission fees established by regulation pursuant to section 41(d)(2) of this title, shall be used only for funding the portion of the salary of patent examiners attributable to examining patent applications and shall not be applied to fund non-examining activities or supervisory activities.''.

(2) EFFECTIVE DATE; TERMINATION.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2009; or

(B) the date of enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the ''United States Patent and Trademark Office Public Enterprise Fund''. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(4) CUSTODIANS OF MONEY.—Notwithstanding section 3302 of title 31, United States Code, any funds received by the Director and transferred to Fund, or any amounts directly deposited into the Fund, may be used—

(A) to cover the expenses described in paragraph (3); and

(B) to purchase obligations of the United States, or any obligations guaranteed by the United States.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(e) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—In accordance with section 9301 of title 31, United States Code, the Fund shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

SEC. 15. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph—

(A) by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intent on his part,''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when''; and

(B) by striking ''and without deceptive intent'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking ''and without deceptive intent''.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever reissue of any patent is authorized under section 298 or''; and

(B) by striking ''without deceptive intention'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever, without deceptive intention'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking '', without any deceptive intention,''.

(i) GOVERNMENT-OWNED FACILITIES.—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended by—

(1) striking ''up to an amount equal to 5 percent of the annual budget of the facility,''; and

(2) striking ''provided that'' and all that follows through ''in this clause (D);''.

SEC. 16. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this

Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) SPECIAL PROVISIONS RELATING TO DETERMINATIONS OF VALIDITY AND PATENTABILITY.—

(1) IN GENERAL.—The amendments made by section 2 shall apply to any application for a patent and any patent issued pursuant to such an application that at any time—

(A) contained a claim to a claimed invention that has an effective filing date, as such date is defined under section 100(h) of title 35, United States Code, 1 year or more after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed 1 year or more after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any application to which the amendments made by section 2 otherwise apply under this subsection.

(2) PATENTABILITY.—For any application for patent and any patent issued pursuant to such an application to which the amendments made by section 2 apply, no claim asserted in such application shall be patentable or valid unless such claim meets the conditions of patentability specified in section 102(g) of title 35, United States Code, as such conditions were in effect on the day prior to the date of enactment of this Act, if the application at any time—

(A) contained a claim to a claimed invention that has an effective filing date as defined in section 100(h) of title 35, United States Code, earlier than 1 year after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed earlier than 1 year after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, with respect to which the requirements of section 102(g) applied.

(3) VALIDITY OF PATENTS.—For the purpose of determining the validity of a claim in any patent or the patentability of any claim in a nonprovisional application for patent that is made before the effective date of the amendments made by sections 2 and 3, other than in an action brought in a court before the date of the enactment of this Act—

(A) the provisions of subsections (c), (d), and (f) of section 102 of title 35, United States Code, that were in effect on the day prior to the date of enactment of this Act shall be deemed to be repealed;

(B) the amendments made by section 3 of this Act shall apply, except that a claim in a patent that is otherwise valid under the provisions of section 102(f) of title 35, United States Code, as such provision was in effect on the day prior to the date of enactment of this Act, shall not be invalidated by reason of this paragraph; and

(C) the term ''in public use or on sale'' as used in section 102(b) of title 35, United States Code, as such section was in effect on the day prior to the date of enactment of this Act shall be deemed to exclude the use, sale, or offer for sale of any subject matter that had not become available to the public.

(4) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, our Nation celebrates Sunshine Week—a time to recognize and promote openness in our Government. At this important time of year, I am pleased to join with Senator CORNYN to reintroduce the OPEN FOIA Act—a bipartisan bill to promote more openness regarding statutory exemptions to the Freedom of Information Act, FOIA.

This bipartisan bill builds upon the work that Senator CORNYN and I began several years ago to reinvigorate and strengthen FOIA. Together, we introduced, and Congress ultimately enacted, the OPEN Government Act—the first major reforms to FOIA in more than a decade. I thank Senator CORNYN for his work and leadership on this important issue. I also thank President Obama—who was a cosponsor of the OPEN Government Act when he was in the Senate—for his deep commitment to FOIA. President Obama clearly demonstrated his commitment to open Government when he issued a new directive to strengthen FOIA during his first full day in office.

The OPEN FOIA Act simply requires that when Congress provides for a statutory exemption to FOIA in new legislation, Congress must state its intention to do so explicitly and clearly. This commonsense bill mirrors bipartisan legislation that the Judiciary Committee favorably reported, and the Senate unanimously passed, during the 109th Congress, S. 1181. While no one can fairly question the need to keep certain Government information secret to ensure the public good, excessive Government secrecy is a constant temptation and the enemy of a vibrant democracy.

For more than four decades, FOIA has served as perhaps the most important Federal law to ensure the public's right to know, and to balance the Government's power with the need for Government accountability. The Freedom of Information Act contains a number of exemptions to its disclosure requirements for national security, law enforcement, confidential business information, personal privacy and other circumstances. The FOIA exemption commonly known as the ''(b)(3) exemption,'' requires that Government records that are specifically exempted from FOIA by statute be withheld from the public. In recent years, we have witnessed an alarming number of FOIA (b)(3) exemptions being offered in legislation—often in very ambiguous terms—to the detriment of the American public's right to know.

The bedrock principles of open Government lead me to believe that (b)(3) statutory exemptions should be clear and unambiguous, and vigorously debated before they are enacted into law. Too often, legislative exemptions to FOIA are buried within a few lines of very complex and lengthy bills, and these new exemptions are never debated openly before becoming law. The consequence of this troubling practice is the erosion of the public's right to know, and the shirking of Congress' duty to fully consider these exemptions.

The OPEN FOIA Act will help stop this practice and shine more light on the process of creating legislative exemptions to FOIA. That will be the best antidote to the ''exemption creep'' that we have witnessed in recent years.

When he recently addressed a joint session of the Congress and the American people, President Obama said that ''I know that we haven't agreed on every issue thus far, and there are surely times in the future when we will part ways. But, I also know that every American who is sitting here tonight loves this country and wants it to succeed. That must be the starting point for every debate we have in the coming months, and where we return after those debates are done.''

Sunshine Week reminds all of us that open Government is not a Democratic issue, nor a Republican issue. It is an American issue and a virtue that all Americans can embrace. Democratic and Republican Senators alike have rightly supported and voted for this bill in the past. It is in this same bipartisan spirit that I urge all Members to support this bipartisan FOIA reform 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 placed in the RECORD, as follows:

S. 612

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 ''OPEN FOIA Act of 2009''.

SEC. 2. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. MCCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP''); to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill that is sponsored by every woman in the Senate. All 17 of us have come together to introduce legislation to award the Congressional Gold Medal to the Women Airforce Service Pilots, called the WASP. Senator MIKULSKI and I are taking the lead on this with the other 15 women Senators to finally honor over 1,000 of the bravest, most courageous women in U.S. military history.

This is a picture of those brave World War II pilots. They were the first women in history to fly America's military aircraft. Between 1942 and 1944, they were recruited to fly noncombat missions so every available male pilot could be deployed in combat.

The women pilots who graduated from Army Air Force flight training earned their silver WASP wings in Texas. The first class graduated at Ellington Field in Houston and the remaining classes from Avenger Field in Sweetwater, TX.

Throughout their service, these courageous women flew over 60 million miles in every type of aircraft and on every type of mission flown by Army Air Force male pilots except direct combat missions. Although they took the military oath and were promised military status when they entered training, they were never afforded Active-Duty military status, were never commissioned, and were not granted veteran status until 1977, over 30 years after they had served. All these women volunteered to serve their country in wartime. They paid their own way to Texas for training, and when victory seemed certain and the program was shut down, they paid their own way back home.

Over 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted. Unlike the males, females were required to be qualified pilots before they could even apply for the Army Air Force's military flight training program. By the time the war ended, 38 women pilots had lost their lives while flying for their country. Their families were not allowed to have an American flag placed on their coffins.

I wrote about the WASP in my 2004 book, ''American Heroines: The Spirited Women Who Shaped Our Country.'' I wanted to raise public awareness about these military pioneers who have had a tremendous impact on the role of women in the military today. Their examples paved the way for the Armed Forces to lift the ban on women attending military flight training in the 1970s and opened the door for women to be fully integrated as pilots in the Armed Forces.

Today, women fly every type of aircraft, from combat fighter aircraft to the space shuttle. However, despite their cultural impact, the WASP have never received honors, nor have they been formally recognized by Congress for their wartime military service—until now. We, the women of the Senate, are introducing legislation to award the Congressional Gold Medal to the courageous WASP of World War II.

The Congressional Gold Medal is the highest and most distinguished award this body can award to a civilian. These women are certainly worthy.

There are precedents for this action. In 2000 and 2006, this body awarded the Congressional Gold Medal to the Navajo Code Talkers and the Tuskegee Airmen, respectively. Those heroes deserved the same type of distinction, and they, too, served in World War II and were finally appropriately honored by their Government. Now it is time for Congress to celebrate the courage of another group of remarkable Americans who served with courage and honor and whose example brought historic change to our Nation. Of the 1,102 WASP, approximately 300 are still alive today and are living in almost every State of our Nation. They have earned this honor, and the time to bestow the honor is now before any of them are away from us and not able to come to the ceremony which I hope we will have.

I am so pleased that every female Senator, all 17 of us, are cosponsors of this bill, and I hope the rest of our colleagues will also join and that we can pass this bill expeditiously.

I would like to take a moment, with this wonderful picture in the background, to read from the bill that we have just introduced today:

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the ''WASP'', were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August, 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named ''WASP'', Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Force flight training, graduated, and received their Army Air Force orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and began the same military flight training as the male Army Air Force cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and on every type of assignment flown by the male Army Air Force pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

In October 1943, male pilots were refusing to fly the B–26 Martin Marauder, known as the Widowmaker, because of its fatality record. General Arnold ordered WASP director Jacqueline Cochran to collect 25 WASP to be trained to fly the B–26 to prove to the male pilots that it was safe to fly.

During the existence of the WASP, 38 women lost their lives while serving their country. Their bodies were sent home in poorly crafted pine boxes. Their burial was at the expense of their families or classmates. There were no gold stars allowed in their parent's windows, and because they were not considered military, no American flags were allowed on their coffins.

In 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied.

On December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said:

You and more than 900 of your sisters have shown you can fly wingtip to wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you.

With victory in World War II almost certain, on December 2, 1944, the WASP

were quietly and unceremoniously disbanded. There were no honors, no benefits, and very few thank-yous. Just as they had paid their own way to enter training, they paid their way back home.

After their honorable service in the military, the WASP military records were immediately sealed, stamped ''classified'' or ''secret,'' and filed away in Government archives unavailable to the historians who wrote the history of World War II or the scholars who compiled the history textbooks used today, with many of the records not being declassified until the 1980s. Consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America.

In 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes.

In the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the U.S. Armed Forces. Thousands of women aviators flying support aircraft had benefited from the service of the WASP and followed in their footsteps.

In 1993, the WASP were once again referenced during congressional hearings regarding the contributions women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat. Hundreds of U.S. servicewomen combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP.

The WASP have maintained a tight-knit community, forged by the common experiences of serving their country during war. As part of their desire to educate America on the WASP history, WASP have assisted Wings Across America, an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these World War II veterans, and they have been honored with exhibits at museums throughout our country.

Now it is time to give these incredible women pioneers the Congressional Gold Medal, who, along with the Tuskegee Airmen and the Navajo Code Talkers, are people who have served with courage and valor to our country, and they are people who really have not complained. They are people who did their duty, even with some discrimination in the Armed Forces. But they were never bitter, and they always knew what a service they had given. We have now honored the Navajo Code Talkers and the great Tuskegee Airmen, and I hope we will also accord the greatest honor we can bestow as a Congress to the WASP of World War II.

Ms. MIKULSKI. Mr. President, I rise today as an original cosponsor of a bipartisan bill to award the Congressional Gold Medal to the Women Airforce Service Pilots—the WASP. We are introducing this bill in March, which is Women's History Month. It is time to honor and recognize women who have made a difference in our Nation's history. It is a time to honor women who serve as role models. That is exactly what this legislation does.

The WASP were women pilots from across the Nation who volunteered to serve in World War II. They flew America's military aircraft during the war, risking their lives in the service of their nation. They came from all walks of life, but they came together to serve our country as the first women trained to fly American military aircraft. They faced overwhelming cultural and gender bias, received unequal pay, did not have full military status, and were barred from becoming military officers, even though their male counterparts performing similar duties all received officer rank.

In 1943, General Arnold combined two women flying organizations and formed the Women Airforce Service Pilots. Within months, these women paid their own way to Texas to enter training. Each woman was already a licensed pilot, a requirement not imposed on men to apply to flight school. The WASP were still required to learn to fly ''the Army way.''

The WASP were assured they would be militarized and become part of the Army. These promise were not kept. The WASP took the same oath of office, they marched, but as pilots, they received less pay than men. They did not receive benefits. No VA benefits, no GI bill, no burial rights for the 38 WASP who were killed in service to our Nation. Fellow WASP had to ''take the nickels out of the Coke machine'' to help send their bodies home.

Over 25,000 women applied to be part of the war effort in the WASP. Many volunteers received a telegram asking for their service. Ultimately, 1102 women earned their wings as pilots. Thirteen of these brave women were from Maryland: women like Barbara Shoemaker, who joined from the Women's Auxiliary Flying Squadron; Elaine Harmon, who as a WASP trained male pilots in instrument flying; Iola Magruder, who flew the B–18 ''Bolo''; Jane Tedeschi, who stretched all night before joining the WASP so she could meet the minimum height requirement; and Florence Marston, who flew the B–26 ''Widowmaker,'' notorious for its number of early accidents.

These brave women flew over 60 million miles in 2 years. They flew every type of aircraft and every type of mission as the men, except combat missions. They towed aerial targets while being shot at with live ammunition. They transported cargo. They tested repaired aircraft. They ferried aircraft from factories like Fairchild in Hagerstown, MD, to points across the country. They were stationed at 120 air bases throughout the country.

The WASP were not established to be a replacement for the men; instead, they enabled men to fly the combat missions. They found and fulfilled the service they could. These women were committed and they believed they could do what our country needed at the time we needed it.

The WASP were disbanded in December 1944, when they were told they were ''no longer needed.'' Just as they paid for transport to training, they paid their own way home. For 33 years their military records were classified. For 33 years, their contributions were hidden from historians and textbooks. For 33 years, these brave women were denied veterans benefits.

These women were trailblazers. They displayed honor and courage and flew the most complex aircraft of the age. They are patriots. They are an inspiration to today's women in aviation. They opened the door for today's women to fly in the military in aircraft ranging from cargo and trainers, to fighters and bombers, and even the space shuttle. They inspire young girls to pursue technical fields and aviation. They are role models who deserve to be honored. We owe the WASP our ''thank you''—not in words, but in deeds. For their courage, service and dedication to our Nation, they deserve the most distinguished honor Congress can give: the Congressional Gold Medal.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to introduce today, along with Senators LIEBERMAN, COBURN, LEVIN, GRASSLEY, MCCASKILL, MCCAIN, and VOINOVICH, a bill that will provide the Special Inspector General for Afghanistan Reconstruction, SIGAR, with the authority it needs to quickly hire experienced, well-qualified staff to conduct rigorous oversight of reconstruction efforts in Afghanistan.

The United States has provided approximately $32 billion in humanitarian and reconstruction assistance to Afghanistan since 2001. Congress created the SIGAR in the fiscal year 2008 National Defense Authorization Act to conduct and oversee independent and objective audits, inspections, and investigations relating to these funds.

Although the SIGAR was sworn into office on July 22, 2008, the office has not yet conducted any independent audits or investigations. The SIGAR has filed two quarterly reports, but both of those reports were descriptive in nature and reviewed the work of other oversight entities.

Staffing shortages have constrained the SIGAR's oversight efforts. Although authorized a total of 18 auditors, 13 inspectors, and three investigators, SIGAR had only five auditors, two inspectors, and one investigator as of last week.

SIGAR's efforts to quickly hire experienced staff have been hindered by the often long and difficult government hiring process. The office's hiring needs are further complicated by the challenging task of recruiting well-qualified staff willing to spend a year in a dangerous environment.

The bill that we introduce today will provide the SIGAR with the authority to select, appoint, and employ the staff needed to perform effective oversight of Afghanistan reconstruction efforts. The authority is similar to that provided to other government ''temporary organizations.'' The legislation will allow SIGAR to identify and quickly hire candidates, avoiding the bureaucratic hurdles that beset the normal civil service hiring process. Employees hired under this new authority can serve until the termination of the SIGAR's office.

The Special Inspector General for Iraq Reconstruction, which served as the model for the legislation to create the SIGAR, faced comparable hiring challenges. This bill contains hiring authority similar to that provided to the SIGIR so that office could quickly hire experienced staff.

With his staff, the SIGIR has been successful in providing thorough oversight of reconstruction efforts in Iraq. Since 2004, the SIGIR has produced 20 quarterly reports, 135 audits, 141 inspections, and 4 ''lessons-learned'' reports. SIGIR's oversight work has saved or recovered more than $81 million in U.S. taxpayer funds and has put $224 million to better use.

If the SIGAR would have had this authority from the office's inception, it likely would be much further along in conducting its oversight work. We expect that once the SIGAR can quickly hire the skilled and experienced auditors and investigators it needs, the office's oversight activities will greatly increase.

I urge every Senator to support this constructive and bipartisan bill.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, this past fall our Nation's high school graduation class of 2012 took their first steps into their local high school as freshmen. The best research, based on data from all 50 States, tells us that one third of that class of freshmen will not walk across a stage and receive their diploma with their peers in four years.

The numbers are clear: we face a national high school dropout crisis. Every year, an estimated 1.23 million students drop out of high school. To put that number in perspective, it is equivalent to the entire population of the ninth largest city in the country, Dallas.

The President laid out the crisis we face in his February 24 address to Congress:

''In a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity—it is a prerequisite.''

''Right now, three-quarters of the fastest-growing occupations require more than a high school diploma. And yet, just over half of our citizens have that level of education. We have one of the highest high school dropout rates of any industrialized nation.''

By any measure, my home state of Iowa is a national leader in terms of graduating students in four years. According to Education Week's Diplomas Count, Iowa has the second highest graduation rate in the country, at almost 83 percent for the class of 2005. Iowa should be applauded for continually graduating such a high percentage of its students in spite of the challenges present in many rural and low-income school districts.

Yet such a lofty number masks a pervasive inability to graduate African-American and Latino students on a level equal to their peers. The graduation rate for African-American children in Iowa is 25 points below the overall 4-year rate. The discrepancy between the rate of Latino children graduating in four years and their peers' rate is even higher at 30 percent.

Just as the data on racial and ethnic minorities paints a grim picture, a look into the Nation's graduation rates for students with disabilities shows many students continue to be failed by the system. The most recent data indicates that slightly more than half of all students with disabilities graduated from high school with a regular diploma. Those rates go down when examining different categories of students with disabilities. For instance, only 43 percent of students with emotional disturbances graduate from high school with a regular diploma. Bear in mind that many of these students do not have a learning disability, and with the proper supports and interventions they can achieve at the same levels expected of their peers.

To reiterate, States like Iowa should be lauded for their success in graduating so many of their young people from high school in four years, but we must also hold those states accountable for their success or failure with vulnerable populations, or we are doomed to pay the price, both morally and economically. That is why I was proud to introduce the Every Student Counts Act last September, and why I am here to reintroduce this legislation in the Senate today.

Since I introduced the first Every Student Counts Act, the Department of Education has taken laudable action to implement a 4-year high school graduation rate through regulations issued last October.

However, the Department's action was not enough to address this crisis. The regulation leaves the specifics of the graduation rate goals and growth targets, and how to calculate Adequate Yearly Progress up to the States. In doing so, the Department indicated that it was more appropriate for Congress to define graduation rate goals, growth targets, and adequate yearly progress through statute. The Every Student Counts Act is designed to do just that.

Because if we do not set clear, consistent, and high graduation rate goals, with aggressive and attainable graduation rate growth targets, we risk falling into the same trap of mediocrity and flat graduation rates that have led us to this crisis.

Schools, school districts and States that are not already graduating a high number of students must be required to make annual progress to high graduation rates.

This act sets a graduation rate goal of 90 percent for all students and disadvantaged populations. Schools, districts and States with graduation rates below 90 percent, in the aggregate or for any subgroup, will be required to increase their graduation rates an average of 3 percentage points per year in order to make adequate yearly progress required under the No Child Left Behind Law.

In addition to setting high standards for graduation rates, the Every Student Counts Act will also make graduation rate calculations uniform and accurate. The bill requires that all states calculate their graduation rates in the same manner, allowing for more consistency and transparency. This bill will bring all 50 States together by requiring each State to report both a 4-year graduation rate and a cumulative graduation rate. A cumulative graduation rate will give parents a clear picture of how many students are graduating, while acknowledging that not all children will graduate in four years.

Before I conclude my remarks, I would like to recognize the work of my colleague in the House, Representative BOBBY SCOTT of Virginia, who first sought to address this issue last year and today joins with me in reintroducing the Every Student Counts Act.

I would also like to thank the growing list of organizations representing the interests of children across the country who have signed on to support the Every Student Counts Act. Specifically, I recognize the Alliance for Excellent Education and their President, former Governor of West Virginia Bob Wise, who have been champions in the movement to improve our high schools and turn back the dropout crisis.

We have no more urgent educational challenge than bringing down the dropout rate, especially for minorities and children with disabilities. For reasons we all understand—poverty, poor nutrition, broken homes, disadvantage

childhoods—not all of our students come to school everyday ready to learn. In some cases, it is as though they have been set up to fail. They grow frustrated. They drop out. And, as a result, they face a lifetime of fewer opportunities and lower earnings. Economically, our nation cannot afford to lose one million students each year. Morally, we cannot allow children to continue to fall through the cracks. I believe the Every Student Counts Act puts us on the right track towards turning back the tide of high school dropouts and I ask my colleagues to support this legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

MARCH 11, 2009.

DEAR SENATOR HARKIN AND REPRESENTATIVE SCOTT: We, the undersigned education, civil rights, and advocacy organizations thank you for introducing the Every Student Counts Act to ensure meaningful accountability for the graduation rates of our nation's students. As you know, educators and policymakers at all levels of government agree that change is necessary on this issue.

Only 70 percent of our nation's students graduate with a regular diploma. Worse, just over half of African American and Hispanic students graduate on time. Special education students also have graduation rates of just over 50 percent. Such poor graduation rates are untenable in a global economy that demands an educated workforce. According to the Department of Labor, 90 percent of the fastest-growing and best-paying jobs in the United States require at least some postsecondary education. It is imperative that the nation's schools prepare their students to succeed in the twenty-first-century workforce.

The No Child Left Behind Act (NCLB) has focused the nation's attention on the unacceptable achievement gap and the need to improve outcomes for all students, particularly minority students, English language learners, and students with disabilities. However, NCLB does not place enough importance on graduating the nation's high school students; this fact—combined with weak state action in this area—has given states, districts, and schools little incentive to improve their graduation rates. As a response, the Secretary of Education released regulations that created a uniform high school graduation rate calculation and ensured that improving high school graduation rates for all schools is part of the federal accountability system. Although the regulations are a laudable step in the right direction, we believe that the Every Student Counts Act is a better approach to graduation rate accountability because it provides clear and high expectations for graduation rate goals and growth.

The Every Student Counts Act would:

Require a consistent and accurate calculation of graduation rates across all fifty states and the District of Columbia to ensure comparability and transparency;

Require that graduation rate calculations be disaggregated for both accountability and reporting purposes to ensure that school improvement activities focus on all students and close achievement gaps;

Ensure that graduation rates and test scores are treated equally in Adequate Yearly Progress (AYP) determinations;

Require aggressive, attainable, and uniform annual growth targets as part of AYP to ensure consistent increases in graduation rates for all schools;

While maintaining the expectation that most students will graduate in four years, recognize that a small number of students take longer than four years to graduate and give credit to schools, school districts, and states for graduating those students; and

Provide incentives for schools, districts, and states to create programs to serve students who have already dropped out and are over-age or undercredited.

Again, we thank you for introducing the Every Student Counts Act and for your leadership on this critical issue.

Sincerely,

Alliance for Excellent Education.
American Association of University Women.
American Federation of the Blind.
American School Counselor Association
America's Promise Alliance.
Bazelon Center for Mental Health Law.
Council of Administrators of Special Education.
First Focus.
Journey Programs.
Knowledge Alliance.
Learning Disabilities Association of America.
Mexican American Legal Defense and Educational Fund.
National Association for the Education of Homeless Children and Youth.
National Association of Federally Impacted Schools.
National Association of School Psychologists.
National Association of Secondary School Principals.
National Association of State Boards of Education.
National Center for Learning Disabilities
National Collaboration for Youth.
National Council of La Raza.
National Education Association.
National Parent Teacher Association.
Project Grad USA.
Public Education Network.
School Social Work Association of America.
Teachers of English to Speakers of Other Languages.
United Way of America.
Youth Service America.

JOEL KLEIN,
Chancellor, New York City Public Schools.

By Mr. REID (for Mr. KENNEDY (for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, today we face growing concerns about infectious disease which few could have anticipated. Over a half century ago, following the development of modern antibiotics, Nobel Laureate Sir McFarland Burnet summed up what many experts believed when he stated, ''One can think of the middle of the twentieth century as the end of one of the most important social revolutions in history, the virtual elimination of infectious diseases as a significant factor in social life''.

How things have changed! Today many of the world's greatest killers are infectious diseases—including HIV, tuberculosis, malaria—and increasingly our Nation is susceptible. We have concerns about both natural pandemics—such as those caused by influenza—as well as manmade threats.

At the same time that the threat has grown, we have seen an alarming trend as existing antibiotics are becoming less effective in treating infections. We know that resistance to drugs can be developed, and that the more we expose bacteria to antibiotics, the more resistance we will see. So it is critical to address preserving the lifesaving antibiotic drugs we have today so that they will be of use in treating disease when they are needed.

Today over 9 out of 10 Americans understand that resistance to antibiotics is a problem. Most Americans have learned that colds and flu are caused by viruses, and recognize that treating a cold with an antibiotic is inappropriate. Our health care providers are more careful to discriminate when to use antibiotics, because they know that when a patient who has been inappropriately prescribed an antibiotic actually develops a bacterial infection, it is more likely to be resistant to treatment.

When we overuse antibiotics, we risk eliminating the very cures which scientists fought so hard to develop. The threat of bioterrorism amplifies the danger. We have supported increased NIH research funding, as well as bioshield legislation, in order to promote development of essential drugs, both to address natural and manmade threats. It is so counterproductive to develop antimicrobial drugs and see their misuse render them ineffective.

Yet every day in America antibiotics continue to be used in huge quantities when there is no disease present to treat. I am speaking of the nontherapeutic use of antibiotics in agriculture. Simply put, the practice of feeding antibiotics to healthy animals jeopardizes the effectiveness of these medicines in treating ill people and animals.

Recognizing the public health threat caused by antibiotic resistance, Congress in 2000 amended the Public Health Threats and Emergencies Act to curb antibiotic overuse in human medicine. Yet today, it is estimated that 70 percent of the antimicrobials used in the United States are fed to farm animals for nontherapeutic purposes including growth promotion, poor management practices and crowded, unsanitary conditions.

In March 2003, the National Academies of Sciences stated that a decrease in antimicrobial use in human medicine alone will not solve the problem of drug resistance. Substantial efforts must be made to decrease inappropriate overuse of antibiotics in animals and agriculture.

Four years ago five major medical and environmental groups—the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust and the Union of Concerned Scientists—jointly filed a formal regulatory petition with the U.S. Food and Drug Administration urging the agency to withdraw approvals for

seven classes of antibiotics which are used as agricultural feed additives. They pointed out what we have known for years—that antibiotics which are crucial to treating human disease should never be used except for their intended purpose—to treat disease.

In a study reported in the New England Journal of Medicine, researchers at the Centers for Disease Control and Prevention found 17 percent of drug-resistant staph infections had no apparent links to health-care settings. Nearly one in five of these resistant infections arose in the community—not in the health care setting. While must do more to address inappropriate antibiotic use in medicine, the use of these drugs in our environment cannot be ignored.

Most distressingly, we have seen the USDA issue a fact sheet on the recently recognized link between antimicrobial drug use in animals and the methicillin resistant staphylococcus aureas, MRSA, infections in humans. These infections literally threaten life and limb!

So it should be clear why I have joined with Senator KENNEDY in again introducing the Preservation of Antibiotics for Medical Treatment Act. Senator KENNEDY is truly a champion of public health and understands how critical it is to preserve the drugs we must have in our arsenal to combat infectious diseases. I am honored to join with him in an effort to preserve vital drugs and reduce the development of drug-resistant organisms which threaten human health.

This bill phases out the nontherapeutic uses of critical medically important antibiotics in livestock and poultry production, unless their manufacturers can show that they pose no danger to public health.

Our legislation requires the Food and Drug Administration to withdraw the approval for nontherapeutic agricultural use of antibiotics in food-producing animals if the antibiotic is used for treating human disease, unless the application is proven harmless within 2 years. The same tough standard of safety will apply to new applications for approval of animal antibiotics.

This legislation places no unreasonable burden on producers. It does not restrict the use of antibiotics to treat sick animals, or for that matter to treat pets and other animals not used for food.

As we are constantly reminded, the discovery and development of a new drug can require great time and expense. It is simply common sense that we preserve the use of the drugs which we already have, and use them appropriately. I call on my colleagues to support us in this effort.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr. DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

Mr. REID. 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. 620

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

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

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to speak on legislation I am introducing today that relates to congenital heart disease research. Congenital heart disease is a rapidly growing national health problem. Congenital heart defects are the most common and most deadly form of birth defects, affecting nearly 1 percent of births, approximately 36,000 a year. In fact, a child is born with a congenital heart defect every 15 minutes. A congenital heart defect occurs when heart structures are malformed, missing or in the wrong place. There are over 30 types of congenital heart defects. These defects cause congenital heart disease—cardiovascular problems caused by the birth defect.

The good news is that modern medicine has made major advances in treating heart defects in newborns. In 1950, a child born with a congenital heart defect only had a 20 percent chance of surviving, but today that number has increased to 90 percent. Due to the increase in childhood survival rates, the congenital heart disease population increases by an estimated 5 percent every year.

However, the bad news is that there is no cure for congenital heart disease. Even survivors of successful childhood intervention face lifelong risks, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction. Sadly, the estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

Unfortunately, fewer than 10 percent of adults living with complex congenital heart disease currently receive the cardiac care they need, and many don't know that they should have lifelong specialized health surveillance. Even with access to the best care, living with congenital heart disease involves risk. But for people who don't have the medical care or who don't have it promptly, the risks of premature death or disability are much higher.

In 2004, the National Heart, Lung, and Blood Institute convened a working group on congenital heart disease. This group recommended developing a research network for clinical research, establishing a national database of patients, and creating an outreach education program on the need for continued cardiac care.

Today, I am pleased to introduce the Congenital Heart Futures Act, which builds on these recommendations in several ways. First, the legislation authorizes the Centers for Disease Control and Prevention, CDC, to lead a comprehensive public education and awareness campaign around congenital heart disease. Next, it authorizes a National Congenital Heart Disease Registry at the CDC to track the epidemiology of congenital heart disease and creates an advisory committee to provide expert information and advice to CDC. And, finally, it authorizes congenital heart disease research through NHLBI.

Despite the prevalence and seriousness of congenital heart disease, research, data collection, education, and awareness are limited. The Congenital Heart Futures Act will help prevent premature death and disability in this rapidly growing but dramatically underserved population.

I say to those who are interested in promoting health research, this is an area where we can expend more effort and save more lives. I hope my colleagues will take a look at this legislation which we are introducing today and join me in cosponsoring it.

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

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

S. 621

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 ''Congenital Heart Futures Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congenital heart defects are the most common and most deadly group of birth defects and affect nearly 1 percent of all live

births, approximately 36,000 births a year. A child is born with a congenital heart defect every 15 minutes.

(2) Congenital heart disease is a rapidly-growing national health problem. Childhood survival has risen from below 20 percent in 1950 to more than 90 percent today. Due to the increase in childhood survival, the congenital heart disease population increases by an estimated 5 percent every year.

(3) Approximately 800,000 children and 1,000,000 adults in the United States are now living with congenital heart disease and require highly-specialized life-long cardiac care.

(4) There is no cure for congenital heart disease. Even survivors of successful childhood treatment can face life-long risks from congenital heart disease, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction.

(5) Less than 10 percent of adults living with complex congenital heart disease currently receive recommended cardiac care. Many individuals with congenital heart disease are unaware that they require life-long specialized health surveillance. Delays in care can result in premature death and disability.

(6) The estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

(7) Despite the prevalence and seriousness of the disease, Federal research, data collection, education, and awareness activities are limited.

(8) The strategic plan of the National Heart, Lung, and Blood Institute completed in 2007 notes that ''successes over several decades have enabled people with congenital heart diseases to live beyond childhood, but too often inadequate data are available to guide their treatment as adults''.

(9) The strategic plan for the Division of Cardiovascular Diseases at the National Heart, Lung and Blood Institute, completed in 2008, set goals for congenital heart disease research, including understanding the development and genetic basis of congenital heart disease, improving evidence-based care and treatment of children with congenital and acquired pediatric heart disease, and improving evidence-based care and treatment of adults with congenital heart disease.

SEC. 3. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—PROGRAMS RELATING TO CONGENITAL HEART DISEASE

''SEC. 399HH. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct, support, and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for life-long treatment of congenital heart disease survivors.

''(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

SEC. 4. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

''SEC. 399II. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a comprehensive, nationwide registry of actual occurrences of congenital heart disease, to be known as the 'National Congenital Heart Disease Registry'; or

''(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

''(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

''(c) CONTENT.—The Congenital Heart Disease Registry—

''(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

''(2) may be used to collect and store data on congenital heart disease, including data concerning—

''(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

''(B) risk factors associated with the disease;

''(C) causation of the disease;

''(D) treatment approaches; and

''(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

''(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages, including the elderly.

''(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary may identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health infrastructure, including—

''(1) State birth defects surveillance systems;

''(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;

''(3) the Metropolitan Atlanta Congenital Defects Program; and

''(4) the National Birth Defects Prevention Network.

''(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, including congenital heart disease researchers.

''(f) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

''(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

''(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

SEC. 5. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4, is further amended by adding at the end the following:

''SEC. 399JJ. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the 'Advisory Committee on Congenital Heart Disease' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

''(1) at least one representative from—

''(A) the National Institutes of Health;

''(B) the Centers for Disease Control and Prevention; and

''(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

''(2) at least one epidemiologist who has experience working with data registries;

''(3) clinicians, including—

''(A) at least one with experience diagnosing or treating congenital heart disease; and

''(B) at least one with experience using medical data registries; and

''(4) at least one publicly- or privately-funded researcher with experience researching congenital heart disease.

''(c) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399II;

''(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

''(3) the manner in which such data is to be collected;

''(4) the use and availability of such data, including guidelines for such use; and

''(5) other matters, as the Secretary determines to be appropriate.

''(d) REPORT.—Not later than 180 days after the date on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee's review of such information.''.

SEC. 6. CONGENITAL HEART DISEASE RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following:

''SEC. 425. CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

''(1) causation of congenital heart disease, including genetic causes;

''(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

''(3) diagnosis, treatment, and prevention;

''(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

''(5) identifying barriers to life-long care for individuals with congenital heart disease.

''(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

''(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the amendments made by this Act such sums as may be necessary for each of fiscal years 2010 through 2014.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. BINGAMAN, Ms. COLLINS, Ms. CANTWELL, and Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2009.

This legislation is cosponsored by Senators GREGG, BINGAMAN, COLLINS, CANTWELL and MARTINEZ.

First, let me explain what this bill does.

The Imported Ethanol Parity Act instructs the President to lower the secondary ethanol import tariff, so that tariffs on ethanol are no higher than the subsidy for blending ethanol into gasoline.

This would restore parity between the real tariff faced by imported gasoline and ethanol, which currently compete.

This legislation is necessary because last year's Farm Bill shifted the function of ethanol tariffs.

Historically, there has been relative parity between ethanol subsidies and ethanol tariffs. The tariffs served to ''offset'' domestic subsidies for ethanol use, thereby preventing imported ethanol from benefiting from domestic subsidies.

But after passage of the Farm Bill, these tariffs began to serve as a real barrier to trade.

The Farm Bill maintained the primary 2.5 percent tariff and extended the secondary tariff for two more years at $0.54 per gallon, creating a combined tariff of $0.56 to $0.59 per gallon, depending on the sale price. But the Farm Bill reduced the ethanol blending subsidy that these tariffs are intended to offset to $0.45 per gallon.

This disparity means that an ethanol importer pays more tariff than he gets back in subsidy, and parity has been lost.

Specifically, an ethanol importer pays $0.11 to $0.14 per gallon of tariff to the U.S. Treasury that he never gets back from the ethanol subsidy.

Ethanol is therefore disadvantaged when it competes directly with other imported transportation fuels, such as gasoline and diesel.

It increases the cost of gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline.

It taxes imported transportation fuel from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: Until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

This legislation responds to the Tariff's defenders.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the $0.54 per gallon secondary tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally.

They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers. For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, ''the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol.''

On May 9, 2006, the Renewable Fuels Association stated in a press release: ''the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin.''

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the blender tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.

In 2008, the Renewable Fuels Association's Executive Director asserted that ''The tariff is there not so much to protect the industry but the U.S. taxpayer.''

I ask tariff advocates to either support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Bottom Line: Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face. The tariffs cannot be justifiably maintained at $0.56–$0.59 per gallon if its intent is to offset a $0.45 per gallon blender subsidy, and it should be reduced.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

Here is how: the fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. In California, it accounts for 40 percent of all of our emissions. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in the 110th Congress I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a ''Low Carbon Fuels Standard,'' which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress requires oil companies to use an increasing quantity of ''advanced biofuels'' that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet ''low-carbon'' fuel requirements under the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that ''only 5 to 26 percent of the energy content in corn ethanol, is renewable. The rest is primarily natural gas and coal,'' which are used in the production process.

The most recent research compiled by the California Air Resources Board concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 73 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 31 percent lower than gasoline.

Even when land use change is factored in, the lifecycle greenhouse gas emissions of sugar-based ethanol from Brazil is the single least emitting fuel option available for today's vehicles. It is only surpassed on an emissions basis by electric and fuel cell cars, which are unfortunately at least a few years away from widespread adoption.

Biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, if we import crude oil and gasoline tariff free.

This legislation accomplishes two goals: it corrects the Farm Bill's mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

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

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

S. 622

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 ''Imported Ethanol Parity Act''.

SEC. 2. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the combined temporary duty imposed on ethanol under such subheading 9901.00.50 and any other duty imposed under the Harmonized Tariff Schedule of the United States is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Patient Protection Act, legislation to provide crucial protections for individuals with chronic and preexisting conditions. Unfair insurance market rules, including those which allow insurance companies to exclude coverage for preexisting health conditions, have forced thousands of American families into dire medical and financial situations. Addressing this issue is a priority of the President and should be a priority for Congress.

As we begin to consider comprehensive health reform, including significant coverage expansions for the uninsured, this reform should also address the gaps in coverage for the 25 million Americans who are underinsured often due to their preexisting condition. Health insurance coverage should be meaningful and available when people need it.

The Centers for Disease Control and Prevention, CDC, estimates that nearly 45 percent of Americans—or 133 million people—have at least one chronic condition. Furthermore, a report recently published in the Annals of Internal Medicine found that nearly one-third of all uninsured Americans in 2004 had received a chronic condition diagnosis. Early intervention and adequate treatment for those with chronic conditions is vital. Unfortunately, preexisting condition exclusions are often a barrier for individuals seeking access to comprehensive health insurance coverage.

Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104–191, over 10 years ago with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use preexisting conditions to limit health insurance coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA's protection have become apparent.

First, individuals who have been without health insurance coverage for 63 days or more are at risk of being permanently uninsurable. This is particularly true of individuals with preexisting conditions, because a 63-day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for preexisting conditions for up to 12 months.

Second, employers can restrict coverage for preexisting conditions to otherwise qualified employees based on a 6-month ''look-back'' period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent six months to deny health coverage for a ''preexisting condition'' for up to 12 months.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within individual market. As a result, individuals who purchase policies in the nongroup market and never have a gap in coverage still have no protection against the preexisting condition exclusions that insurers may choose to impose. In most cases, there is no limit on the length of time an insurer can deny coverage under an individual insurance policy for a preexisting condition. An individual with a chronic condition who is buying coverage in the individual market today is likely to pay a high deductible, have a large monthly premium, and have the very illness they need coverage for written out of their policy.

The Pre-existing Condition Patient Protection Act I am introducing today would address all three of these gaps in the current HIPAA law by eliminating preexisting condition exclusions in every single market. While this change is not the only insurance market reform necessary, it is a great step forward in improving the health coverage available to the 133 million Americans living with at least one chronic condition.

Access to treatment is critical for these individuals, and a permanent fix to the law regarding coverage exclusions is crucial for our Nation in reforming our health care system. Therefore, I urge my colleagues to join me in supporting this important bill. The time for action is now.

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. 623

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 ''Preexisting Condition Patient Protection Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the United States Census Bureau, 45,700,000 individuals were uninsured in 2007.

(2) According to a recent study by the Commonwealth Fund, the number of underinsured adults ages 19 to 64 has jumped 60 percent over the last 4 years, from 16,000,000 in 2003 to 25,000,000 in 2007.

(3) According to the Center for Disease Control and Prevention, approximately 45 percent of Americans have at least 1 chronic condition.

(4) Forty-four States currently allow insurance companies to deny coverage for, limit coverage for, or charge increased premiums for a pre-existing condition.

(5) Over 26,000,000 individuals were enrolled in private individual market health plans in 2007. Under the amendments made by the Health Insurance Portability and Accountability Act of 1996, these individuals have no protections against pre-existing condition exclusions or waiting periods.

(6) When an individual has a 63-day gap in health insurance coverage, pre-existing condition exclusions, such as limiting coverage, can be placed on them when they become insured under a new health insurance policy.

(7) Eliminating pre-existing condition exclusions for all individuals is a vital safeguard to ensuring all Americans have access to health care when in need.

(8) According to a Kaiser Family Foundation/Harvard School of Public Health public opinion poll, 58 percent of Americans strongly favor the Federal Government requiring health insurance companies to cover anyone who applies for health coverage, even if they have a prior illness.

SEC. 3. ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) APPLICATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 701 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181) is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

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

''(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

''(1) may not impose any pre-existing condition exclusion; and

''(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.'';

(C) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.'';

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 701 is amended to read as follows:

''Sec. 701. Elimination of pre-existing condition exclusions.''.

(b) APPLICATION UNDER PUBLIC HEALTH SERVICE ACT.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 2701 of the Public Health Service Act (42 U.S.C. 300gg) is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

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

''(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

''(1) may not impose any pre-existing condition exclusion; and

''(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.'';

(C) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.'';

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) TECHNICAL AMENDMENTS RELATING TO EMPLOYER SIZE.—Section 2711 of such Act (42 U.S.C. 300gg–11) is amended—

(A) in subsection (a)—

(i) in the heading, by striking ''SMALL'';

(ii) in paragraph (1)—

(I) by striking ''(c) through (f)'' and inserting ''(b) through (d)'';

(II) in the matter before subparagraph (A), by striking ''small''; and

(III) in subparagraph (A), by striking ''small employer (as defined in section 2791(e)(4))'' and inserting ''employer''; and

(iii) in paragraph (2)—

(I) by striking ''small'' each place it appears; and

(II) by striking ''coverage to a'' and inserting ''coverage to an'';

(B) by striking subsection (b);

(C) in subsections (c), (d), and (e), by striking ''small'' each place it appears; and

(D) by striking subsection (f).

(c) APPLICATION UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 9801 of the Internal Revenue Code of 1986 is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

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

''(a) IN GENERAL.—A group health plan with respect to a participant or beneficiary may not impose any pre-existing condition exclusion.'';

(C) by striking paragraph (3) of subsection (b);

(D) by striking subsections (c), (d), and (e); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of sections of chapter 100 of such Code relating to section 9801 is amended to read as follows:

''Sec. 9801. Elimination of preexisting condition exclusions.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) the date that is after the end of the 12th calendar month following the date of enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. NONDISCRIMINATION IN INDIVIDUAL HEALTH INSURANCE.

(a) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) GUARANTEED ISSUE.—Subject to the succeeding subsections of this section, each health insurance issuer that offers health insurance coverage (as defined in section 2791(b)(1)) in the individual market to individuals residing in an area may not, with respect to an eligible individual (as defined in subsection (b)) residing in the area who desires to enroll in individual health insurance coverage—

''(A) decline to offer such coverage to, or deny enrollment of, such individual; or

''(B) impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

SEC. 5. TRANSPARENCY IN CLAIMS DATA.

(a) REPORT ON ADVERSE SELECTION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report concerning the occurrence of adverse selection as a result of the enactment of this Act. Such report shall be based on the data reported under subsection (b).

(b) MANDATORY REPORTING.—A health insurance issuer to which this Act applies, shall upon the request of the Secretary, submit to the Secretary of Health and Human Services, data concerning—

(1) the number of new enrollees in health plans offered by the issuer during the year involved;

(2) the number of enrollees who re-enrolled in health plans offered by the issuer during the year involved;

(3) the demographic characteristics of enrollees;

(4) the number, nature, and dollar amount of claims made by enrollees during the year involved;

(5) the number of enrollees who disenrolled or declined to be reenrolled during the year involved; and

(6) any other information determined appropriate by such Secretary.

(c) ENFORCEMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-91 et seq.) is amended by adding at the end the following:

''SEC. 2793. PROVISION OF INFORMATION.

''(a) IN GENERAL.—The Secretary shall require that group health plans and health insurance issuers to which this Act applies provide data to the Secretary, at such times and in such manner as the Secretary may require, in order to permit the Secretary to monitor compliance with the requirements of this Act (including requirements imposed under the Preexisting Condition Patient Protection Act of 2009 (and the amendment made by that Act)).

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—A group health plan or health insurance issuer that fails to provide information as required under subsection (a) shall be subject to a civil money penalty under this section.

''(2) AMOUNT OF PENALTY.—

''(A) IN GENERAL.—The maximum amount of penalty imposed under this paragraph is $100 per covered life for each day that the plan or issuer fails to comply with this section.

''(B) CONSIDERATION IN IMPOSITION.—In determining the amount of any penalty to be assessed under this paragraph, the Secretary shall take into account the previous record of compliance of the entity being assessed with this section and the gravity of the violation.''.

SEC. 6. REPORT ON AFFORDABLE HEALTH INSURANCE COVERAGE.

Not later than 12 months after the date of enactment of this Act, the Government Accountability Office shall submit to the Secretary of Health and Human Services a report concerning the impact of this Act and other Federal laws relating to the regulation of health insurance and its effect on the affordability of health insurance coverage for individuals in all insurance markets and a description of the effect of this Act on the expansion of coverage and reductions in the number of uninsured and underinsured.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

Mr. DURBIN. Later this week we will mark World Water Day. It is an important reminder of the many challenges we continue to face in providing clean water and sanitation to the world's poor.

We have made progress in recent years, but around the world today, nearly 1 billion people continue to lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than $2 a day. They are the voiceless and the powerless of the world.

That is why today, Senator BOB CORKER and Senator PATTY MURRAY and I are introducing the Paul Simon Water for the World Act in the United States Senate. Congressmen BLUMENAUER and PAYNE have introduced the same bill in the House.

Our bill will reestablish U.S. leadership on one of the defining challenges of the 21st century: water.

The goal is to reach an additional 100 million of the world's poorest people with sustainable access to safe drinking water and basic sanitation by 2015. This would represent the largest single commitment of any donor country to meeting the Millennium Development Goal on water, which is to reduce by half the proportion of people without access to safe drinking water and sanitation by 2015.

The bill targets aid to areas with the greatest need. It helps build the capacity of poor nations to meet their own water and sanitation challenges. It supports research on clean water technologies and regional partnerships to find solutions to shared water challenges.

The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will design the assistance based on local needs.

The Water for the World Act also designates within the State Department a high-level representative to ensure that water receives priority attention in our foreign policy, and establishes a new Office of Water at USAID to implement development assistance efforts related to water.

We ought to be assigning some of our best minds to solve the global water challenge. Right now, however, we don't have the staff at USAID to meet our goals on water or any other urgent development need.

At a time when it is more important than ever to win the hearts and minds of those around the world, as well as to address the challenges of fragile and failed states, our top development agency is suffering from an inexcusable shortage of expert staff.

In the 1960s, USAID had more than 5,000 Foreign Service Officers; today, when the needs are greater than ever, it has just over 1,000.

To correct this imbalance and help rebuild our smart power, I recently introduced a bill that would triple the number of USAID Foreign Service Officers by 2012. It's called the Increasing America's Development Capacity Act, and it's an essential part of our efforts to rebuild America's smart power role in the world—on food security, health, economic development, and yes, water.

I owe my passion on water to my friend and mentor, the man whose seat I now occupy in the U.S. Senate: the late Senator Paul Simon.

He was a profoundly good and wise man. He was also a visionary. He saw connections that many people missed. He saw answers to problems before most people even saw the problems.

As many of you know, solving the global water crisis was his last great campaign. In 1998, he wrote a book called ''Tapped Out: The Coming World Crisis in Water and What We Can Do About It.''

Paul Simon would go anywhere, and talk to anyone, to try to get people and governments to take the global water crisis seriously. In the last year of his life, he traveled to Israel to moderate a panel between the Israeli and Palestinian water commissioners. He said that he and most of the people in the audience—were amazed that the two commissioners agreed on almost everything.

But when he looked in the newspapers the next day, there was nothing about the meeting. Not a word. He said that was ''because nobody was shouting at each other.'' That's part of the challenge.

The global water crisis is a quiet killer. In the developing world, water-related diseases claim the lives of 5,000 children every day. Diarrhea alone kills nearly 2 million children under the age of 5 each year. As CSIS's ''Global Water Futures'' report hauntingly points out, that is the equivalent of all the children under age 5 in New York and London combined.

Mothers who fear the deaths of their children bear more, in a desperate race against the odds. The lack of clean water enslaves poor women in other ways, as well. In many poor nations, women and girls walk two or three hours or more each way, every day, to collect water that is often dirty and unsafe.

The UN estimates that women and girls in Sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year.

A developing economy cannot grow if its people are too busy collecting water, or too sick from drinking unsafe water, to work or to go to school.

What Senator Simon knew 10 years ago, and the rest of us are slowly coming around to see, is that we can't begin to solve the problems of global hunger and poverty without addressing the global water crisis.

And water is not simply a humanitarian challenge. It is a threat to global stability and the global economy.

Last June, Goldman Sachs held a meeting to assess the top five risks facing the world economy. Resource scarcity—including competition for water, food and energy—was at the top of the list.

Fortune magazine recently predicted that the global water crisis will be as serious in the 21st century as the oil crises were in the 20th, potentially leading to war.

Paul Simon understood the potential for conflicts over dwindling supplies of clean water. It alarmed him. He used to say, ''Nations go to war for oil, but there are substitutes for oil. There are no substitutes for water.'' We see that in the roots of the conflict in Darfur.

I have seen the challenge of water in so many of my recent trips abroad.

Two years ago I travelled to Jordan after a trip to Iraq. I went to talk with people there about the impact of the

war in Iraq on one of our most important allies in the region.

The Jordanian Minister of Planning and International Cooperation, Ms. Suhair-al-Ali, told me that between 600,000 and 700,000 Iraqi refugees were living in Jordan at that time. That was equivalent to 10 percent of Jordan's entire population. For us in the U.S., that would be the equivalent of 30 million refugees.

The massive influx of Iraqi refugees had strained the ability of Jordan's government to provide basic services almost to the breaking point. What did the minister identify as one of Jordan's biggest problems? Water.

It is not just Jordan. Water is central to the fate of the entire Middle East.

In his book, Paul Simon quoted former Israeli Prime Minister Yitzhak Rabin as saying, ''If we solve every other problem in the Middle East but do not satisfactorily resolve the water problem, our region will explode. Peace will not be possible.''

You do not have to travel halfway around the world to see the devastating consequences of lack of access to clean water.

A few months ago I traveled to Haiti. This was my second visit and it is always a shock. A 90-minute plane ride from Miami takes you to another world.

There are no public sewage treatment or disposal systems anywhere in the country. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage and sewage.

It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of 5. The leading killer? Waterborne diseases: hepatitis, thyphoid and diarrhea.

While there, I visited a rural health clinic run by a group called Partners in Health, co-founded by Dr. Paul Farmer. Dr. Farmer is a wonderful man who has improved the lives of so many, from Rwanda to Haiti.

He showed me a water purification kit that his clinic gives to nursing mothers with HIV/AIDS. This allows them to make formula for their babies and not transmit the virus through breastfeeding. It is simple, inexpensive, and life-saving.

Some years ago I visited Bolivia, one of the poorest countries in Latin America. Bolivia is an example of what awaits many countries' water supplies because of global warming.

Much of its population relies on melting glaciers for its water. But because of climate change the glaciers are not being replenished and some are already disappearing. These trends are happening from the snows of Mount Kilimanjaro to the Alps to the Himalayas.

How will the world respond to the water needs such as Bolivia and others who rely on glaciers for their water supplies?

I recently returned from a visit to Cyprus. The island has been divided now for more than 30 years. The leaders on both sides are engaged in brave and important discussions to reunify the island. Amid this hopeful progress toward peace, another problem plagues this island—water.

The groundwater in Cyprus is being depleted too quickly, often for agriculture, and it is being replenished too often with salt water that creeps into the water table. Global warming is causing rainfall to decrease.

In recognition of the vast water challenges we face around the world, two years after Paul Simon died, Congress passed the Paul Simon Water for the Poor Act. President Bush signed it into law in December 2005.

It represents the first time the U.S. has codified our commitment to any of the Millennium Development Goals. The Paul Simon Water for the Poor Act makes safe water and basic sanitation a top priority for all U.S. foreign assistance.

In 2007 alone, it helped provide nearly 2 million people in over 30 countries with access to a better source of drinking water, and more than 1.5 million people with better sanitation.

The Water for the Poor Act is saving lives, but its impact could be greater. The Paul Simon Water for the World Act will help us expand these efforts to make a profound and sustainable difference in the lives of the world's poor.

As we prepare to mark World Water Day this Sunday, let us recommit ourselves to a new effort on safe water and sanitation.

Throughout history, civilized nations have put aside political differences to address compelling issues of life and survival. Our generation owes the world nothing less.

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. 624

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 ''Senator Paul Simon Water for the World Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(7) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.

(9) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅛ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(10) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(11) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to provide first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) by 2015; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) OFFICE OF WATER.—

''(1) ESTABLISHMENT.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall establish the Office of Water within the Bureau for Economic Growth, Agriculture, and Trade.

''(2) LEADERSHIP.—The Office of Water shall be headed by a Director for Safe Water and Sanitation, who shall report directly to the Assistant Administrator of the Bureau for Economic Growth, Agriculture, and Trade.

''(3) DUTIES.—The Director shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and implement country-specific water strategies and expertise, in collaboration with appropriate United States Agency for International Development Mission Directors, to meet the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation by 2015; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration.

''(4) CAPACITY.—The Director may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) transboundary conflict;

''(iv) agricultural and urban productivity of water resources;

''(v) disaster recovery, response, and rebuilding,

''(vi) pollution mitigation; and

''(vii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) STAFF.—The Special Coordinator is authorized to hire a limited number of staff to carry out the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(2) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching the goal of providing first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve the goals referred to in paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in every high priority country, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) COORDINATION.—The programs established under subsection (a) shall be coordinated in each country by the lead country water manager designated in subsection (b)(2).

''(3) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(4) CAPACITY.—The Secretary and the Administrator—

''(A) shall designate staff with appropriate expertise to carry out the strategy developed under section 4; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall—

''(1) designate safe drinking water and sanitation as a strategic objective;

''(2) appoint an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(3) coordinate with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

Section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end; and

(3) by adding at the end the following:

''(5) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

''(6) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

''(7) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

''(8) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

''(9) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.''.

SEC. 9. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of global climate change on water supplies in 10, 25, and 50 years.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2009 and for each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act, pursuant to the criteria set forth in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(b) USE OF FUNDS.—

(1) GENERAL WATER RESOURCE MANAGEMENT ACTIVITIES.—Up to 20 percent of the amounts appropriated to implement this Act may be used to support general water resource management activities that improve countries' overall water sources.

(2) OTHER ACTIVITIES.—Any amounts appropriated to implement this Act that are not used to carry out the activities described in paragraph (1) shall be allocated for activities related to safe drinking water, sanitation, and hygiene.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as a unit of the National Park System. I cannot think of a more timely occasion to reintroduce this bill as Secretary Salazar is expected to be touring southeast Louisiana tomorrow.

The first step to becoming a unit in the National Park System is to conduct a special resources study to determine whether an area possesses nationally significant natural, cultural, or recreational resources to be eligible for favorable consideration. This is exactly what my bill does—it asks the Department of the Interior to take the first step in determining what I already know—that the Lower Mississippi River Area would be a suitable and feasible asset to the National Park Service.

I am proud to come to the floor today to reintroduce this bill. This area has vast historical significance and is an area with rich cultural history. In the 1500s, Spanish explorers traveled along the banks of the river. In 1682, Robert de LaSalle claimed all the land drained by the area. In 1699, the area became the site of the first fortification on the Lower Mississippi river, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, which was originally built in 1749, played a key role during the Battle of New Orleans when soldiers blocked the British navy from going upriver. Fort Jackson was built at the request of GEN Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard. This fort was the site of the famous Civil War battle know as the Battle of Forts which is also referred to as the ''night the war was lost.'' Mr. President, as you can see, from a historical perspective, this area has many treasures that provide us a glimpse into our past. These are areas that have national significance. They should be maintained and preserved.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the United States. It is also home to the ancient Head of Passes site, to the Plaquemines Bend, and to two national wildlife refuges.

Finally, this area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for transportation of our nation's energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana's economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. That is why I am reintroducing this bill—to begin the process of adding this area as a unit to the National Park Service by conducting a study to determine the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, supra.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, supra.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, supra.

TEXT OF AMENDMENTS

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program

for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—Except as provided in subsection (c), an annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) EXCLUSIONS.—Notwithstanding subsection (b), the Director shall exclude from an annual report required under subsection (a) any information that the Director determines would threaten national security.

(d) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7405, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 6304 through 6308 and insert the following:

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 shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(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 deems 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 permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, 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. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. 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 or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is 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 provisions, rule, regulation, law, ordinance, or permit 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 Federal land.

(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 counsels, 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, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

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 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.

(3) MULTIPLE OFFENSES.—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.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(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.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who 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 the information, 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 renders service 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, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(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 scientific or educational purposes.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands,

a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 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:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
Sec. 1003. Monongahela National Forest boundary confirmation.
Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 1105. Trail plan and development.
Sec. 1106. Maps and boundary descriptions.
Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.
Sec. 1202. Designation of wilderness areas.
Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 1204. Mount Hood National Recreation Area.
Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.
Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.
Sec. 1402. Voluntary grazing lease donation program.
Sec. 1403. Box R Ranch land exchange.
Sec. 1404. Deerfield land exchange.
Sec. 1405. Soda Mountain Wilderness.
Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.
Sec. 1502. Owyhee Science Review and Conservation Center.
Sec. 1503. Wilderness areas.
Sec. 1504. Designation of wild and scenic rivers.
Sec. 1505. Land identified for disposal.
Sec. 1506. Tribal cultural resources.
Sec. 1507. Recreational travel management plans.
Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.
Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.
Sec. 1652. Designation of Beaver Basin Wilderness.
Sec. 1653. Administration.
Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.
Sec. 1702. Oregon Badlands Wilderness.
Sec. 1703. Release.
Sec. 1704. Land exchanges.
Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.
Sec. 1752. Spring Basin Wilderness.
Sec. 1753. Release.
Sec. 1754. Land exchanges.
Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.
Sec. 1802. Designation of wilderness areas.
Sec. 1803. Administration of wilderness areas.
Sec. 1804. Release of wilderness study areas.
Sec. 1805. Designation of wild and scenic rivers.
Sec. 1806. Bridgeport Winter Recreation Area.
Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.
Sec. 1852. Wild and scenic river designations, Riverside County, California.
Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.
Sec. 1902. Designation of wilderness areas.
Sec. 1903. Administration of wilderness areas.
Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.
Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
Sec. 1954. East Shore Trail Area.
Sec. 1955. National forest area boundary adjustments.
Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.
Sec. 1972. Wilderness areas.
Sec. 1973. Zion National Park wilderness.
Sec. 1974. Red Cliffs National Conservation Area.
Sec. 1975. Beaver Dam Wash National Conservation Area.
Sec. 1976. Zion National Park wild and scenic river designation.
Sec. 1977. Washington County comprehensive travel and transportation management plan.
Sec. 1978. Land disposal and acquisition.
Sec. 1979. Management of priority biological areas.
Sec. 1980. Public purpose conveyances.
Sec. 1981. Conveyance of Dixie National Forest land.
Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.
Sec. 2002. Establishment of the National Landscape Conservation System.
Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.
Sec. 2102. Definitions.
Sec. 2103. Establishment.
Sec. 2104. Administration.
Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 2201. Definitions.
Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 2203. Management of the Conservation Area.
Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

Sec. 2401. Definitions.
Sec. 2402. Dominguez-Escalante National Conservation Area.
Sec. 2403. Dominguez Canyon Wilderness Area.
Sec. 2404. Maps and legal descriptions.
Sec. 2405. Management of Conservation Area and Wilderness.
Sec. 2406. Management plan.
Sec. 2407. Advisory council.
Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.
Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2606. Douglas County, Washington, land conveyance.
Sec. 2607. Twin Falls, Idaho, land conveyance.

Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.
Sec. 3202. Withdrawal of certain land in the Wyoming range.
Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
Sec. 3305. Kittitas County, Washington, land conveyance.
Sec. 3306. Mammoth Community Water District use restrictions.
Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

Sec. 3401. Purpose.
Sec. 3402. Definitions.
Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

Sec. 4001. Purpose.
Sec. 4002. Definitions.
Sec. 4003. Collaborative Forest Landscape Restoration Program.
Sec. 4004. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

Sec. 5001. Fossil Creek, Arizona.
Sec. 5002. Snake River Headwaters, Wyoming.
Sec. 5003. Taunton River, Massachusetts.

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

Sec. 5201. Arizona National Scenic Trail.
Sec. 5202. New England National Scenic Trail.
Sec. 5203. Ice Age Floods National Geologic Trail.
Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 5205. Pacific Northwest National Scenic Trail.
Sec. 5206. Trail of Tears National Historic Trail.

Subtitle D—National Trail System Amendments

Sec. 5301. National Trails System willing seller authority.
Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 5303. Chisholm Trail and Great Western Trails Studies.

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

Sec. 6001. Definitions.
Sec. 6002. Program.
Sec. 6003. Effect of subtitle.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—Wolf Livestock Loss Demonstration Project

Sec. 6201. Definitions.
Sec. 6202. Wolf compensation and prevention program.
Sec. 6203. Authorization of appropriations.

Subtitle D—Paleontological Resources Preservation

Sec. 6301. Definitions.
Sec. 6302. Management.
Sec. 6303. Public awareness and education program.
Sec. 6304. Collection of paleontological resources.
Sec. 6305. Curation of resources.
Sec. 6306. Prohibited acts; criminal penalties.
Sec. 6307. Civil penalties.
Sec. 6308. Rewards and forfeiture.
Sec. 6309. Confidentiality.
Sec. 6310. Regulations.
Sec. 6311. Savings provisions.
Sec. 6312. Authorization of appropriations.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

Sec. 6401. Definitions.
Sec. 6402. Land exchange.
Sec. 6403. King Cove Road.
Sec. 6404. Administration of conveyed lands.
Sec. 6405. Failure to begin road construction.
Sec. 6406. Expiration of legislative authority.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 7003. River Raisin National Battlefield Park.

Subtitle B—Amendments to Existing Units of the National Park System

Sec. 7101. Funding for Keweenaw National Historical Park.
Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
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. Palo Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historical 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.

Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7204. Harriet Beecher Stowe House, Maine.
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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled ''Big Draft Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Big Draft Wilderness''.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled ''Cranberry Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97–466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled ''Dolly Sods Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled ''Otter Creek Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled ''Roaring Plains Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Roaring Plains West Wilderness''.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled ''Spice Run Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Spice Run Wilderness''.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

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. 2538) is modified to exclude two parcels of land, as 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 shall be on file and 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 Boundary Confirmation'' 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, encompassed within such 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. 4601–9), 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, 1965.

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 AREAS.—The term ''scenic areas'' means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(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 matter preceding paragraph (1), by striking ''System—'' and inserting ''System:'';

(2) by striking ''certain'' each place it appears and inserting ''Certain'';

(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'' 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 and Brush Mountain East' 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'.

''(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(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).

''(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).''.

(b) DESIGNATION OF WILDERNESS STUDY AREA.—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) is amended—

(1) in the first section, by inserting ''as'' after ''cited''; and

(2) in section 6(a)—

(A) by striking ''certain'' each place it appears and inserting ''Certain'';

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking ''; and'' and inserting a period; and

(D) by adding at the end the following:

''(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled 'Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the 'Lynn Camp Creek 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 ''Kimberling Creek Additions and Potential Wilderness Area'' and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid 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 any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling 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 Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

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 Raccoon Branch'' 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 scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), 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; and

(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.—Not later than 2 years after the date of enactment of this Act, the Secretary 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 and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within 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 perimeter 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 reduce hazards to visitors; 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);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as ''open seasonally''.

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) 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. 1131 et seq.), 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

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION 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, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) 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));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) 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

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

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

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled ''Badger Creek Wilderness—Badger Creek Additions'' and ''Badger Creek Wilderness—Bonney Butte'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled ''Bull of the Woods Wilderness—Bull of the Woods Additions'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled ''Clackamas Wilderness—Big Bottom'', ''Clackamas Wilderness—Clackamas Canyon'', ''Clackamas Wilderness—Memaloose Lake'', ''Clackamas Wilderness—Sisi Butte'', and ''Clackamas Wilderness—South Fork Clackamas'', dated July 16, 2007, which shall be known as the ''Clackamas Wilderness''.

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled ''Mark O. Hatfield Wilderness—Gorge Face'' and ''Mark O. Hatfield Wilderness—Larch Mountain'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled ''Mount Hood Wilderness—Barlow Butte'', ''Mount Hood Wilderness—Elk Cove/Mazama'', ''Richard L. Kohnstamm Memorial Area'', ''Mount Hood Wilderness—Sand Canyon'', ''Mount Hood Wilderness—Sandy Additions'', ''Mount Hood Wilderness—Twin Lakes'', and ''Mount Hood Wilderness—White River'', dated July 16, 2007, and the map entitled ''Mount Hood Wilderness—Cloud Cap'', dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled ''Roaring River Wilderness—Roaring River Wilderness'', dated July 16, 2007, which shall be known as the ''Roaring River Wilderness''.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled ''Salmon-Huckleberry Wilderness—Alder Creek Addition'', ''Salmon-Huckleberry Wilderness—Eagle Creek Addition'', ''Salmon-Huckleberry Wilderness—Hunchback Mountain'', ''Salmon-Huckleberry Wilderness—Inch Creek'', ''Salmon-Huckleberry Wilderness—Mirror Lake'', and ''Salmon-Huckleberry Wilderness—Salmon River Meadows'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled ''Lower White River Wilderness—Lower White River'', dated July 16, 2007, which shall be known as the ''Lower White River Wilderness''.

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated July 16, 2007, is designated as the ''Richard L. Kohnstamm Memorial Area''.

(c) POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.—

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as ''Potential Wilderness'' on the map entitled ''Roaring River Wilderness'', dated July 16, 2007, is designated as a potential wilderness area.

(B) MANAGEMENT.—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) 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 subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness 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).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled ''Mount Hood Wilderness—Tilly Jane'', dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.—On acquisition by the United States, the approximately 160 acres 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 by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) 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 each wilderness area and potential wilderness area designated by this section, 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 maps and legal descriptions 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 maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each 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 and Bureau of Land Management.

(4) DESCRIPTION OF LAND.—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, 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 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 that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(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.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the ''Secretary'') may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

''(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

''(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

''(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

''(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 Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

''(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

''(iii) 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.

''(iv) 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 area and the scenic river area along 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 mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

''(B) 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'' (16 U.S.C. 544k(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, watershed, 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 34,550 acres, as generally depicted on the maps entitled ''National Recreation Areas—Mount Hood NRA'', ''National Recreation Areas—Fifteenmile Creek NRA'', and ''National Recreation Areas—Shellrock 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.

(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 Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) 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).

(2) 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.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area 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) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as ''BLM Lands'' on the map entitled ''National Recreation Areas—Shellrock Mountain'', dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Crystal Springs Watershed Special Resources Management Unit'', dated June 2006 (referred to in this subsection as the ''map''), to be known as the ''Crystal Springs Watershed Special Resources Management Unit'' (referred to in this subsection as the ''Management Unit'').

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) 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) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(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.

(3) 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 subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) 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) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with 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 scenic, cultural, 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—

(I) National Forest System land; or

(II) private 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.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(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 conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as ''Cloud Cap Road'', which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—

(A) EFFECT.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the ''Crystal Springs Zone of Contribution'' by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) COOPERATION.—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the ''Crystal Springs Zone of Contribution''.

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled ''Upper Big Bottom'', dated July 16, 2007; and

(B) the approximately 280 acres identified as ''Cultus Creek'' on the map entitled ''Clackamas Wilderness—South Fork Clackamas'', dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) 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 maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, 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.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ''County'' means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Cooper Spur/Government Camp Land Exchange'', dated June 2006.

(C) FEDERAL LAND.—The term ''Federal land'' means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) MT. HOOD MEADOWS.—The term ''Mt. Hood Meadows'' means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(i) 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 Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, 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.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—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.

(E) SURVEYS.—

(i) 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.

(ii) 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.

(F) 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—

(i) 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 compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange'', dated June 2006.

(B) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as ''USFS Land to be conveyed'' on the exchange map.

(C) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcels of land consisting of approximately 40 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(D) PORT.—The term ''Port'' means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) 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.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) 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.

(5) 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 subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) 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.

(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 identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land consisting of approximately 160 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(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) REQUIREMENTS.—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.

(E) SURVEYS.—

(i) 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.

(ii) 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 the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) 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. 4601–9), 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.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(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 a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(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) other financing 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.—

(A) REPORT.—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 on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner 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, 2003, 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).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount

Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—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, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (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 ''873,300 acres'';

(2) in paragraph (29), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled 'Proposed Copper Salmon Wilderness Area' and dated December 7, 2007, to be known as the 'Copper Salmon Wilderness'.''.

(b) MAPS AND LEGAL DESCRIPTION.—

(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.

(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 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 not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each 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.

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. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''19-mile segment'' and inserting ''29-mile segment'';

(2) in subparagraph (A), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

''(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

''(C)(i) 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 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild 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. 1401. 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 LAND.—The term ''Bureau of Land Management land'' means the approximately 40 acres of land administered by 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) GRAZING LEASE.—The term ''grazing lease'' means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term ''Landowner'' means the owner of the Box R Ranch in the State.

(9) LESSEE.—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 beasts of burden used for recreational purposes.

(11) MONUMENT.—The term ''Monument'' means the Cascade-Siskiyou National Monument in the State.

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

(15) WILDERNESS.—The term ''Wilderness'' means the Soda Mountain Wilderness designated by section 1405(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) ACCEPTANCE BY SECRETARY.—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—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) 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 the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) 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 not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of

the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(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) 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.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected 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.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) 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 Deerfield Learning Associates.

(c) CONDITIONS.—

(1) IN GENERAL.—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected 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, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Soda Mountain Wilderness''.

(b) MAP 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 Committee 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.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(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.

(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)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) 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 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), 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)(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. 101–405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) 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 on public land in the State.

(5) 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 modify or terminate 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 control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right 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) OWYHEE FRONT.—The term ''Owyhee Front'' means the area of the County from Jump Creek on the west to Mud Flat Road 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 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term ''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. OWYHEE 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 County 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 subsection (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-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled ''Bruneau-Jarbidge Rivers Wilderness'' and dated December 15, 2008, which shall be known as the ''Bruneau-Jarbidge Rivers Wilderness''.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 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 OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 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 ''North Fork Owyhee Wilderness''.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 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''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, 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 map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—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 public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each 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 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) 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) disposition 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 is 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.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is 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) COMMON ALLOTMENTS.—

(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 that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by 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 use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify 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) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail 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. 1131 et seq.).

(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(d)(5)), 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. 1134(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 jurisdiction 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 any management activities 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—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established

in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), 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.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) 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) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. 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 1203(a)(1)) is amended by adding at the end the following:

''(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(182) BRUNEAU RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

''(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

''(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

''(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

''(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

''(191) OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

''(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

''(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.''.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management 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 proportion of the proceeds of a land 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 of the United States to be known as the ''Owyhee Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as ''Proposed for Acquisition'' on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(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 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); 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 Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for 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 date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

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 Bureau of Land Management, 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.—

(1) 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 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) 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 any clerical and 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.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—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 managed 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 Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE.—In accordance with section 4(d)(7) 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.

(5) ACCESS.—

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) WITHDRAWAL.—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 under the 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.

(e) 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. 1782(c)), the 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. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—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, regardless of the level of Lake Superior.

(2) MAP.—The term ''map'' means the map entitled ''Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary'', numbered 625/80,051, and dated April 16, 2007.

(3) NATIONAL LAKESHORE.—The term ''National Lakeshore'' means the Pictured Rocks National Lakeshore.

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

(5) WILDERNESS.—The term ''Wilderness'' means the Beaver Basin Wilderness designated by section 1652(a).

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 the ''Beaver Basin Wilderness''.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, 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 legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) 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 map and legal description.

SEC. 1653. ADMINISTRATION.

(a) MANAGEMENT.—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—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term ''District'' means the Central Oregon Irrigation District.

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

(3) STATE.—The term ''State'' means the State of Oregon.

(4) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Badlands Wilderness'' and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Oregon Badlands Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Oregon Badlands 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 INTERESTS.—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands 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.

(3) GRAZING.—The grazing of livestock in the Oregon Badlands 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)(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. 101–405).

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as ''Potential Wilderness'', is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) 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 Oregon Badlands 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 this subtitle, except that the Secretary may correct 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. 1703. 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 portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) CLARNO 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) on 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) is the approximately 239 acres of non-Federal land identified on the wilderness map as ''Clarno to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as ''Federal Government to Clarno''.

(3) SURVEYS.—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).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) 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 ''Federal Government to COID''.

(3) SURVEYS.—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 section, 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—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) 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.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—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—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 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 ''wilderness map'' means the map entitled ''Spring Basin Wilderness with Land Exchange Proposals'' and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted 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 INTERESTS.—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.

(3) GRAZING.—The grazing of livestock in the Spring Basin 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)(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. 101–405).

(c) 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 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 this section, 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. 1753. 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 portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R.19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes 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 Tribes 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) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from the CTWSIR to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to CTWSIR''.

(3) SURVEYS.—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.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection 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 any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), 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) on 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) is the approximately 18 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from McGreer to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to McGreer''.

(3) SURVEYS.—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) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), 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) on 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) is the approximately 180 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Keys to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Keys''.

(3) SURVEYS.—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.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), 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) on 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) is the approximately 32 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Bowerman to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Bowerman''.

(3) SURVEYS.—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.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, 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).

(f) 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—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) 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.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—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—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term ''Forest'' means the Ancient Bristlecone Pine Forest designated by section 1808(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.

SEC. 1802. 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 and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—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'' 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 Proposed 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), which 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 the 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 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.—Each 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 errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle 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) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) 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

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) 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.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights 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. 2570 of the 101st Congress (H. Rept. 101–405).

(i) 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 or 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 to be necessary by the Secretary.

(k) OUTFITTER 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.

(l) 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(5)(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 143 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 Forest Service to the Bureau of Land Management 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. 1782), 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 shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(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 1504(a)) is amended by adding at the end the following:

''(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

''(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

''(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

''(C) 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 Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

''(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(E) 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.

''(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the

Owens River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

''(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

''(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

''(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

''(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

''(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

''(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

''(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

''(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

''(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

''(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.''.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

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 generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' 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) 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 any 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 Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—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—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To 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 usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) 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 Trail in the area identified as ''Pacific Crest Trail Proposed Crossing Area'' on the map entitled ''Humboldt-Toiyable National Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as ''Pickel Hill Management Area'', 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 conserve and protect the Ancient Bristlecone Pines by maintaining near-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, 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 any 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 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 in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes 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 pines and wood remnants; 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 determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest 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.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(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. 1851. 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, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled ''Proposed Addition to Agua Tibia Wilderness'', and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled ''Cahuilla Mountain Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Cahuilla Mountain Wilderness''.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled ''South Fork San Jacinto Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''South Fork San Jacinto Wilderness''.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled ''Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition'', and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled ''Beauty Mountain Proposed Wilderness'', and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Beauty Mountain Wilderness''.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA 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 in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled ''Orocopia Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled ''Palen-McCoy Proposed Wilderness Additions'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled ''Pinto Mountains Proposed Wilderness'', and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Pinto Mountains Wilderness''.

(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 in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled ''Chuckwalla Mountains Proposed Wilderness Addition'', and dated May 8, 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 (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—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 this section, except that the Secretary 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.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness 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.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary 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 shall—

(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 4(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) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other 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 or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

''(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

''(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

''(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

''(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

''(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

''(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

''(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

''(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-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 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) BAUTISTA 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. 1853. 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, 2008:

''(1) The 'Santa Rosa Peak Area Monument Expansion'.

''(2) The 'Snow Creek Area Monument Expansion'.

''(3) The 'Tahquitz Peak Area Monument Expansion'.

''(4) The 'Southeast Area Monument Expansion', which is designated as wilderness 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 M—Sequoia and Kings Canyon National Parks Wilderness, California

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) JOHN KREBS WILDERNESS.—

(A) 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 102/60014b, titled ''John Krebs Wilderness'', and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(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 on Lower Franklin Lake, 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.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings

Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled ''Sequoia-Kings Canyon Wilderness Addition'', numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each 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 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.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—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 each area designated as wilderness by this subtitle 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 AND EFFECT.—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.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—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 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 to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Rocky Mountain National Park Wilderness Act of 2007'' and dated September 2006.

(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 ''Wilderness'' means the wilderness designated by section 1952(a).

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) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit 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) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) 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 in the Wilderness of 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 appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

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

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the ''East Shore Trail Area''.

(e) ADMINISTRATION.—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—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) 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.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

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

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

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

(1) 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 that 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.

(2) 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.

(e) 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 as a result of the 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.

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

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

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

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

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

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

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

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

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

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

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

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

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

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

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

(B) maintaining the Trail.

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

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

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

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

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

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

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

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

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

(2) by striking '', dated July 1978'' and inserting ''and 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 MAP.—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 MAP.—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) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northeastern Washington County Wilderness Map'' means the map entitled ''Northeastern Washington County Wilderness'' and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northwestern Washington County Wilderness Map'' means the map entitled ''Northwestern Washington County Wilderness'' and dated June 21, 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.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ''Washington County Growth and Conservation Act Map'' means the map entitled ''Washington County Growth and Conservation Act Map'' and dated November 13, 2008.

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 shall be known as the ''Canaan Mountain Wilderness''.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Canyon Wilderness''.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Forest Wilderness''.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Cougar Canyon Wilderness''.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which

shall be known as the ''Deep Creek Wilderness''.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek North Wilderness''.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Doc's Pass Wilderness''.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Goose Creek Wilderness''.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''LaVerkin Creek Wilderness''.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Red Butte Wilderness''.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Red Mountain Wilderness''.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Slaughter Creek Wilderness''.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Taylor Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, 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 map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) 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 map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) 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 that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(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.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(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 areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) 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, meteorologic, or 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.

(9) 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 existing 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 that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and 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).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects 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 are—

(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 of House Report 101–405.

(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—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed 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 603 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)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term ''Wilderness Area'' means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term ''Zion National Park Wilderness Map'' means the map entitled ''Zion National Park Wilderness'' and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Zion Wilderness''.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, 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 map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) 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 National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term ''habitat conservation plan'' means the conservation plan entitled ''Washington County Habitat Conservation Plan'' and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the 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 44,725 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, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means the management plan entitled ''St. George Field Office Resource Management Plan'' and dated March 15, 1999, as amended.

(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 (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 shall consult with—

(A) appropriate State, tribal, and local governmental 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 motorized 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) 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 cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) 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—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

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, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) 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 shall consult 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).

(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 the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized 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.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ''Designated Road Areas'', motorized vehicles shall be permitted only on the roads identified on such map.

(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) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) 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—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(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, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

''(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(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 and adjacent land rim-to-rim, as a wild river.

''(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

''(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

''(H) BEARTRAP CANYON.—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 headwaters north 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.

''(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(L) 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.

''(M) 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 junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

''(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

''(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

''(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

''(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

''(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning 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 wild river.

''(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

''(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

''(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

''(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin

River and adjacent land rim-to-rim, as a wild river.

''(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

''(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

''(HH) 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 recreational river.

''(II) 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.

''(JJ) 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 wild river.

''(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

''(LL) 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 Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

''(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.''.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion 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 section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(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 agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

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

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term ''trail'' means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance 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 system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ''High Desert Off-Highway Vehicle Trail''.

(B) REQUIREMENTS.—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) land located in proximity to 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) traditional uses;

(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 the closure of the portion of the trail;

(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, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(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.

(3) EFFECT.—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. 1978. LAND DISPOSAL AND ACQUISITION.

(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 land 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.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located 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 may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative 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 the request 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 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 finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may 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) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), 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 LAND.

(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.

(3) MAP.—The term ''map'' means the map entitled ''Conveyance of Dixie National Forest Land'' and dated December 18, 2008.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be 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 that is 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) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any 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) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term ''Parcel A'' means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled ''Washington County Growth and Conservation Act Map''.

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

(3) TRIBE.—The term ''Tribe'' means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an 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.

(4) 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 are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE 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 conservation area;

(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 Rivers System; or

(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 accordance 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.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

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

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

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 megatrackways 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) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) 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.

(a) IN GENERAL.—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.

(b) 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.

(c) MAP; LEGAL DESCRIPTION.—

(1) 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.

(2) CORRECTIONS.—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.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

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) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) 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 Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(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 and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL 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 that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(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 shall be 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—

(A) to the extent 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) GRAZING.—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 for the Conservation Area under section 2203(c).

(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 protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of 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 submit to Congress 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 any minor 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.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs 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 is 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.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(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 Conservation Area.

(d) 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, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, 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. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, 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 Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking ''Conservation Area'' and inserting ''conservation area''; and

(B) in subsection (d), by striking ''Visitors Center'' and inserting ''visitors center''.

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 ''Wilderness'' means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. 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 shall consist of approximately 209,610 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 land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the 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 (43 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 would 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 applies 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) LIMITATION.—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 that 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 of Agriculture 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 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. 1133(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 ZONES.—

(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 boundary 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 inholdings in 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 or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) 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 secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) 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.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate 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.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) 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 timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of 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 not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(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).

(4) CONSERVATION AREA 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.

(5) 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—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes 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.

(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-Escalante 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) APPLICABLE LAW.—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;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 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 PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO 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 (N) as subparagraphs (J) through (O), 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.

(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 non-Federal 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 Secretaries 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 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)(B) 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 to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) 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) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) 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.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) 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.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) 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—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(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).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) 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 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.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) 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.

(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''.

(C) 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.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) 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.

(2) 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 ''Lands for Disposal'' on the Map; and

(B) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

(3) 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 agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(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;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury 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)(3)(A).

(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).

(f) URBAN INTERFACE.—

(1) 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 laws, geothermal leasing laws, and mineral material laws.

(2) 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''.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) 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 by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) 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. 2703)).

(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—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(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 limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(B) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the 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 September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).''; and

(C) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

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

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(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 under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) 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. 2345).

(3) 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.

(4) 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 land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) 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-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 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.); and

(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 organization 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 titled ''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 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, the portion 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 from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary 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. 2345).

(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 Committee on 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. 2345).

(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 pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section 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:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 25 acres of Bureau of Land Management land identified on the map as ''Lands to be conveyed to Turnabout Ranch''.

(2) MAP.—The term ''map'' means the map entitled ''Turnabout Ranch Conveyance'' dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) MONUMENT.—The term ''Monument'' means the Grand Staircase-Escalante National Monument located in southern Utah.

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

(5) TURNABOUT RANCH.—The term ''Turnabout Ranch'' means the Turnabout Ranch 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 of 1976 (43 U.S.C. 1712, 1713), 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 Standards of Professional 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 shall pay to 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) DISPOSITION 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) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

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

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of

land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

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 and identified for conveyance on the map prepared by the Bureau of Land Management entitled ''Douglas County Public Utility District Proposal'' and dated March 2, 2006.

(2) PUD.—The term ''PUD'' means the Public Utility District No. 1 of Douglas County, Washington.

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

(4) WELLS HYDROELECTRIC PROJECT.—The term ''Wells Hydroelectric Project'' means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—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), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. 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 sale in the Federal Land Disposal Account 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 administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain 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. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as ''Land to be conveyed to Twin Falls'' on the map titled ''Twin Falls Land Conveyance'' and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—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)—

(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) if 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 completion of any patents of and transfer 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)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled ''Sunrise Mountain ISA Release Areas'' and dated September 6, 2008.

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 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 be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or 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 are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term ''railroad lands'' means those lands within 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., Mount Diablo Meridian, Nevada, 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.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(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 the 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 nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(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 106–568; 114 Stat. 2921).

(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 32, Indian Cemetery 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 of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 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. 620500200, 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 Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of 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 Tuolumne 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 Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

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—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term ''Wyoming Range Withdrawal Area'' means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled ''Wyoming Range Withdrawal Area'' and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE 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—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) 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.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(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 1 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 conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the 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 make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) 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 Exchanges

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.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the 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; 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-DEERLODGE 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 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(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, Northern Region, Missoula, Montana) 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 quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than 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.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(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.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (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 pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall 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. 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) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term ''survey'' means the survey plat entitled ''Boundary Survey and Conservation Easement Plat'', prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(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) protects the purposes 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 to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of 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 District #51 of 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 SW¼ of the SE¼ 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 of the conveyance 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 shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) 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 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 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 FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term ''Federal land'' means the land under the jurisdiction of the Secretary identified on the map as ''Shooting Range Special Use Permit Area''.

(3) MAP.—The term ''map'' means the map entitled ''Bountiful City Land Consolidation Act'' and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) EXCHANGE.—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) AVAILABILITY OF 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)—

(A) shall be 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), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(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 SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) 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 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 carrying out a public process 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.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(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 designated 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) generally depicted on the survey plat entitled ''Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho'' and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on 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 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., Custer County, Idaho, Proposed Boundary Change FCRONRW'' and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term ''wilderness area'' means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) 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) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated 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 necessary, not more than 10 acres of land adjacent 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, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit 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 deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation 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 '', as a condition of the conveyance,'' before ''remain''.

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 backdrop 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, acting through the Chief of the Forest Service.

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

(3) STUDY AREA.—

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

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

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

(A) that is located within the study area;

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

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

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

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

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

(2) complete a report that—

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

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

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

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

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

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

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

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

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

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

(d) EFFECT.—Nothing in this subtitle authorizes 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) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting 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(f).

(2) PROGRAM.—The term ''program'' means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(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 Landscape 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. 1531 et seq.);

(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 collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of 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 Bureau 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 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) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Collaborative Forest Landscape Restoration Fund'', to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land 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, as 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, the Secretary of the Treasury 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 $4,000,000 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 proposal;

(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 priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(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 Secretary of the Interior and 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.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is 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. 1274(a)) (as amended by section 1852) 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) SHORT TITLE.—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 unparalleled 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;

(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 those 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 outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of 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.—In this section:

(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 (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 not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to 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—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

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

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

''(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

''(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

''(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

''(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

''(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

''(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; and

''(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 16.5-mile segment from its source to Darwin Ranch, as a wild river;

''(ii) the 39-mile segment from Darwin Ranch to the upstream 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) HOBACK 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) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

''(i) the 22.5-mile segment from its source to the Teton 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 24.8-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 its confluence with 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 future development with the 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) 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 procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic 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 GAUGES.—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.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

''(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

''(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

''(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

''(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

''(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.''.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the ''Secretary'') determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by 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.

(C) 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 only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(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. 1276(a)) is amended by adding at the end the following:

''(140) 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)(140); and

''(B) submit a report describing the results of that study to the appropriate committees of Congress.''.

(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. 1244(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 National Trails System Act (16 U.S.C. 1244(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 Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal,

State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.''.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall consider the actions outlined in the Trail Management Blueprint described in the report titled the ''Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment'', prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

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

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

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

(ii) to 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 Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

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

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

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

(4) TRAIL.—The term ''Trail'' means the Ice Age Floods National Geologic Trail designated by 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 floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled ''Ice Age Floods National Geologic Trail,'' numbered P43/80,000 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 of a notice of availability of a new map as part of the plan.

(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) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity 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 State, local, tribal, or nonprofit 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 property owners; 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—

(I) locating features more accurately;

(II) improving the description of features; and

(III) 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 sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(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 in this section—

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

(B) modifies 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 subsection (c) 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-ROCHAMBEAU 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-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Washington-Rochambeau 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-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, 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 consultation with—

''(i) other Federal, State, tribal, regional, and local agencies; and

''(ii) 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 1,200 miles, extending from the Continental Divide in Glacier 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) 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 Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

''(i) The Benge and Bell routes.

''(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

''(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).''.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: ''No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.''.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

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

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

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

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

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

(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 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 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 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.''.

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

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

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

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

''(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' 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 revise the 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) COMPLETION AND SUBMISSION OF STUDY.—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.

''(4) 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.

''(5) CALIFORNIA NATIONAL HISTORIC 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 and shared Missouri Valley, central, and western 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.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer 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 Mormon Pioneer National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(7) 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 shared 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 cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) 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 Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

''(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, Texas, north-by-northeast 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.''.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term ''affected stakeholder'' means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ''grant recipient'' means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ''program'' means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

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

(5) WATERSHED GROUP.—The term ''watershed group'' means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;
(iii) ecological resiliency; and
(iv) the reduction of water conflicts; and
(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term ''watershed management project'' means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;
(B) improves water quality;
(C) improves ecological resiliency of a river or stream;
(D) reduces the potential for water conflicts; or
(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''Cooperative Watershed Management Program'', under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or
(B) to enlarge a watershed group; and
(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and
(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and
(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or
(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;
(II) to develop a mission statement for the watershed group;
(III) to develop project concepts; and
(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and
(II)(aa) holds regular meetings;
(bb) has completed a mission statement; and
(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of $1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or
(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and
(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to 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 salary 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) PLANNING.—The Federal share of the cost of an activity 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.—Not 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;
(C) in improving water quality; and
(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF 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. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any 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. 3198) 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) REDESIGNATION OF CERTAIN POSITIONS.—

''(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that 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.

''(B) PERSONS NO 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 subsection—

''(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 service of the person as being part of the competitive service.''.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. 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. 450b).

(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) PROGRAM.—The term ''program'' means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. 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—

(1) to 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 such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

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. 470bb(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 other 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, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(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 deems

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 permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, 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. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. 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 or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is 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 provisions, rule, regulation, law, ordinance, or permit 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 Federal land.

(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 counsels, 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, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

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 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.

(3) MULTIPLE OFFENSES.—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.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(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.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who 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 the information, 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 renders service 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 and equipment of any person 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 remission or mitigation of such 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 scientific or educational purposes.

SEC. 6309. 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. 6311. SAVINGS PROVISIONS.

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 Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), 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 land;

(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 for any person who 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 that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. 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 Refuges'' 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 approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(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 may convey 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 constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE 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 subparagraph (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

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING 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)(i)(II);

(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 under 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; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) 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. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled ''Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision'' and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) 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 laws generally applicable to units of the National Wildlife Refuge System.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(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.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON 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 National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ''Historic District'' means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Park developed under subsection (d).

(5) MAP.—The term ''Map'' means the map entitled ''Paterson Great Falls National Historical Park–Proposed Boundary'', numbered T03/80,001, and dated May 2008.

(6) PARK.—The term ''Park'' means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

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

(8) STATE.—The term ''State'' means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the ''Paterson 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)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(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 properties; 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.—

(i) 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) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the 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 known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)); and

(B) other applicable laws.

(2) COST SHARE.—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 entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—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) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Paterson 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) 1 member 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 not 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) TERM; VACANCIES.—

(A) TERM.—

(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 a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(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 the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(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.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) 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 preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) 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.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey

Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the ''President William Jefferson Clinton Birthplace Home National Historic Site''.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the ''River Raisin National Battlefield Park'' (referred to in this section as the ''Park'').

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(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 10 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''; and

(B) by striking ''$3,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (b), by striking ''$100,000'' and all that follows through ''those duties'' and inserting ''$250,000''.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM 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 remediate such previously developed property to reflect the natural character described in subparagraph (A).''; and

(3) in paragraph (3), in the matter preceding subparagraph (A), 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)''.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking ''The Preserve'' and inserting the following:

''(1) IN GENERAL.—The Preserve''; and

(B) by adding at the end the following:

''(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.''; and

(2) in subsection (c), by striking ''map'' and inserting ''maps''.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled ''An Act to rename 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, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006.''; and

(4) by adding after subsection (d)(2) the following new paragraph:

''(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.''.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,''.

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

(1) in subsection (a)—

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

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, 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 section 901 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) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted 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.'';

(B) in the second sentence, by striking ''The Secretary may also acquire by any of the foregoing methods'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)'';

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

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

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

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

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

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

''(1) fresh water drainage patterns;

''(2) vegetative cover;

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

''(4) water and air quality.

''(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

''(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

''(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.''; and

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

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting ''(or January 1, 2007, for areas added to the park after that date)'' after ''January 1, 1977''.

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

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

(1) by striking the first sentence; and

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

(f) REFERENCES IN LAW.—

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

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

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

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

(A) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(B) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Minute Man National Historical Park Proposed Boundary'', numbered 406/81001, and dated July 2007.

(2) PARK.—The term ''Park'' means the Minute Man National Historical Park in the State of Massachusetts.

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

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term ''Hurricane Hole'' means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term ''map'' means the map entitled ''Proposed Tarpon Basin Boundary Revision'', numbered 160/80,012, 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) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

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

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term ''Company'' means Florida Power & Light Company.

(B) FEDERAL LAND.—The term ''Federal Land'' means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term ''map'' means the map prepared by the National Park Service, entitled ''Proposed Land Exchanges, Everglades National Park'', numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term ''National Park'' means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as ''Tract D''.

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

(G) STATE.—The term ''State'' means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to 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 be subject to such terms and conditions as the Secretary may require.

(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 subparagraph (A), appraisals 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.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, 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.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-

Federal land generally depicted on the map as ''Tract D'', and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract B'', along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(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) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals 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.

(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.

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

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA 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 or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located 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 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(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.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(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;

''(ii) a political subdivision of 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 subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

''(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

''(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

''(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

''(i) appropriations for carrying out the purposes of the agreement are available; and

''(ii) the agreement is in the best interests of the United States.''.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—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) DONATIONS.—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 ''Nothwithstanding'' and inserting ''Notwithstanding''.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—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) ESTABLISHMENT.—

(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) BOUNDARIES.—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 depicted on the map entitled the ''Thomas Edison National Historical Park'', numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(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, and for other purposes,'' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,'' approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—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 appropriate for, interpretation of the Historical Park.

(3) 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) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference 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''.

(d) 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. 410ll) is amended by adding at the end the following:

''SEC. 1602. VOTES FOR WOMEN TRAIL.

''(a) DEFINITIONS.—In this section:

''(1) PARK.—The term 'Park' means the Women's Rights National Historical Park established by section 1601.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

''(3) STATE.—The term 'State' means the State of New York.

''(4) TRAIL.—The term 'Trail' means the Votes for Women History Trail Route designated under subsection (b).

''(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the 'Votes for Women History Trail Route', to link properties in the State that are historically and thematically associated with the struggle for women's suffrage in the United States.

''(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

''(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 participating properties, 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) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

''(3) other governmental and nongovernmental 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 non-Federal properties designated as stops along 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.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated 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 5 years to assist the State 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) UPDATES.—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.

(4) 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.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance 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 State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC 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 2005.

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

(b) 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).

(c) 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 OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the ''Palo Alto Battlefield National Historical Park''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) CONFORMING AMENDMENTS.—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 ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

(B) in the heading for section 3, by striking ''**NATIONAL HISTORIC SITE**'' and inserting ''**NATIONAL HISTORICAL PARK**''; and

(C) by striking ''historic site'' each place it appears and inserting ''historical park''.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking ''(1) The historical park'' and inserting the following:

''(1) IN GENERAL.—The historical park'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL LAND.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008.

''(B) AVAILABILITY OF 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.''; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking ''(3) Within'' and inserting the following:

''(3) LEGAL DESCRIPTION.—Not later than''; and

(B) in the second sentence, by striking ''map referred to in paragraph (1)'' and inserting ''maps referred to in paragraphs (1) and (2)''.

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 Historic Site 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. 460m–20) is amended in the first sentence by striking ''may'' and inserting ''shall''.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—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)(4), 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 2863(h)(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 2004'' and inserting ''numbered 640/20,038K, and dated September 2005''.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) 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 8903(d), by inserting ''Natural'' before ''Resources'';

(2) in section 8904(b), by inserting ''Advisory'' before ''Commission''; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting ''Advisory'' before ''Commission''; and

(B) in the second sentence, by striking ''House Administration'' and inserting ''Natural Resources''.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking ''The John Smith'' and inserting ''The Captain John Smith''.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking ''under section 605''.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking ''section 6(a)'' and inserting ''section 806(a)''.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(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''.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110–229; 122 Stat. 827) is amended by striking ''Cayohoga'' each place it appears and inserting ''Cuyahoga''.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking ''map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441'' and inserting ''map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic 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 consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

''(1) Hawthorn Hill, Oakwood, Ohio.

''(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.''.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting ''Hawthorn Hill, the Wright Company factory,'' after '', acquire'';

(2) in subsection (b), by striking ''Such agreements'' and inserting:

''(d) CONDITIONS.—Cooperative agreements under this section'';

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

''(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.''; and

(4) by striking ''Commission'' 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 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—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 not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee 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 ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (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

(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 titled '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 repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means 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 suitability 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 the date on which funds are 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.

(2) 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) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) 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 conduct the study required under 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 describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), 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—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

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

SEC. 7204. HARRIET 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 of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), 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)).

(b) REPORT.—On completion of the study required under subsection (a), 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.

(c) 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).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO 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 site of Green McAdoo School in Clinton, Tennessee, (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) CRITERIA.—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 cost 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) 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—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the ''birthplace site'') in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site 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 birthplace site.

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 sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as 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. 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'') in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail 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. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

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

(3) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) 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.

(c) COLD WAR 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 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary 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 4 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; and

(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 Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit 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 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.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term ''Fort San Gerónimo'' (also known as ''Fortín de San Gerónimo del Boquerón'') 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 complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo 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 Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) 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 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. 7301. AMERICAN BATTLEFIELD PROTECTION 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 Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, 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) FINANCIAL ASSISTANCE.—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 REPORT.—The term ''Battlefield Report'' means the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government.

(C) ELIGIBLE SITE.—The term ''eligible site'' means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) 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) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL 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.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of

the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. 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 trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under subsection (c)(1).

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

(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 aid 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.

(5) 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 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 that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(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.

(3) 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. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) 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. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated 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, under which 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.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation

with the organizations described in subsection (a), as appropriate.

(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.

(5) 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;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) 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.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(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 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 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 subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) 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. 226) is amended by striking ''2009'' 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. 396d(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. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking ''2008'' and inserting ''2018''.

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking ''2008'' and inserting ''2009''.

SEC. 7404. ST. AUGUSTINE 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 settlement of St. Augustine, Florida.

(2) COMMISSION.—The term ''Commission'' means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State.

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

(5) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Florida.

(B) INCLUSION.—The term ''State'' includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''St. Augustine 450th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources 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, after considering 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) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL 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 or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) 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 organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—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) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) 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.

(4) PROCUREMENT.—

(A) IN 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, lease, 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.

(5) 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.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) 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;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), 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.

(2) 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 an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(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 OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) 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 under section 5316 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) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) 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 subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management 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).

(4) MAP.—The term ''map'' means the map entitled ''Proposed Sangre De Cristo National Heritage Area'' and dated November 2005.

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

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

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) 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.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section 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.

(c) ADMINISTRATION.—

(1) 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, or provide technical assistance to, 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, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area‘‘‘;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources 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; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further 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) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary 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);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) 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.

(4) 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.

(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, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located 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;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(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) analysis and recommendations for means by which local, 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 ineligible 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 diverse interests 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 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, 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) 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.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) 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.—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.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation 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.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), 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 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;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the 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.

(g) 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—

(A) 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;

(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

critical components for sustainability of the Heritage Area.

(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 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 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 960/80,003, 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 nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—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), nonprofit 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

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources 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; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further 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) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating 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 local coordinating 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, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating 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) analysis and recommendations for means by which local, 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, cultural, historic, scenic, educational, 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 local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a 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 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 and 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.

(5) 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 amendments to the management plan until the Secretary has approved the amendments.

(e) 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.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) 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.

(f) 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.

(g) 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—

(A) 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;

(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 to identify the critical components for sustainability of the Heritage Area.

(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 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) 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 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.

(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).

(5) MAP.—The term ''map'' means the map entitled ''South Park National Heritage Area Map (Proposed)'', dated January 30, 2006.

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

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

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

(9) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) 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.

(4) 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, or provide technical assistance to, 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 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.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(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, historical, cultural, scenic, recreational, agricultural, and natural resources 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 semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received 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);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) 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.

(d) 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—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(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) an analysis of and recommendations for means by which Federal, State, and local 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 historical, cultural, 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 of this Act, 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 the voluntary 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.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) 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.—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.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation 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.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), 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 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;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the 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.

(g) 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—

(A) 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;

(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 critical components for sustainability of the Heritage Area.

(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 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 terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) 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).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

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

(5) 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.

(3) 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.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit 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 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 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.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(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 other Federal programs;

(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.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, 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, 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 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, funded, and developed;

(E) recommend 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;

(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 have been 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, 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; and

(H) 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) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) 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 Federal, State, tribal, and local governments, natural, and historic resource

protection organizations, educational institutions, businesses, recreational organizations, 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 hearings) in the preparation of the management plan; and

(II) provides for 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 develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, 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 State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) 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.

(D) 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 to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under 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.

(e) 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) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance 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) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) 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.

(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 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—

(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, State, or local agencies) to the property of the property owner; or

(B) modify public access to, 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 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 private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), 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—

(A) 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;

(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 critical components for sustainability of the Heritage Area.

(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 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.—

(1) 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 be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) 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. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means 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 (c)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Baltimore National Heritage Area'', numbered T10/80,000, and dated October 2007.

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

(6) STATE.—The term ''State'' means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;
(iv) the Westport Redevelopment;
(v) the Gwynns Falls Trail;
(vi) the Baltimore Rowing Club; and
(vii) the Masonville Cove Environmental Center.

(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 Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES 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 (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning 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 interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public 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 funds and sources of the leveraged funds; and

(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) AUTHORITIES.—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;

(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 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 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, and interpret the natural, historic, scenic, and cultural resources of 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) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include 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 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.

(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) CONSULTATION REQUIRED.—The Secretary 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 resource protection organizations, 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;

(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) ACTION FOLLOWING 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) 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 to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) 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) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic 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 terminates for the Heritage Area 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.—An evaluation 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.—

(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 to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) 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.

(g) 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; or

(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) 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, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) 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 be not 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 EFFECTIVENESS.—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. 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 manage, preserve, 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.—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) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

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

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout 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 quarterly 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 funds and sources of the leveraged funds; and

(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) AUTHORITIES.—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 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) 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.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(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 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 (B) to present a unified historic preservation and interpretation plan;

(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, enhance, and interpret the natural, historic, scenic, and cultural 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 that—

(i) apply appropriate land and water management techniques;

(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—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include 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;

(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 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 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.

(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) 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 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;

(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.

(C) ACTION FOLLOWING 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.

(D) 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 to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) 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) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural 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 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) 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.

(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 to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) 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.

(h) 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; or

(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) 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 States of Massachusetts and New Hampshire 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 private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) 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) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) 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 may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—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.

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, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY 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 ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama 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.

(3) 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.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES 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 (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) 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 funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) 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;

(F) 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

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—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 and loans 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, and other organizations;

(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

(E) contract for goods or services.

(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 for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) 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;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the 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) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(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 Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary 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 historical resource protection organizations, 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, historical, cultural, archaeological, 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) ACTION FOLLOWING 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) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) 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.

(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.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) 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) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, 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 terminates for the Heritage Area 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.—An evaluation 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.—

(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 to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) 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.

(g) EFFECT.—

(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;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) 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) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) 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) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) 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—

(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 terminates on the date that is 15 years after the date of enactment of this Act.

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)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''Mississippi Delta National Heritage Area'', numbered T13/80,000, and dated April 2008.

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

(7) STATE.—The term ''State'' means the State of Mississippi.

(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.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) 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;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES 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 (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning 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 interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public 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 funds and sources of the leveraged funds; and

(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) AUTHORITIES.—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;

(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 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 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, and interpret the cultural, historical, archaeological, natural, and recreational resources of 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 cultural, historical, archaeological, natural, 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) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include 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 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 Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary 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 resource protection organizations, 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 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) ACTION FOLLOWING 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) 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 to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) 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) PRIORITY.—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 for the Heritage Area 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.—An evaluation 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.—

(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 to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) 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.

(g) 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; or

(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) 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;

(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;

(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.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) 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 be not 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 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 Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(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 by 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 with 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 natural 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) DEFINITIONS.—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 T08/80,000, 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.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(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) DUTIES 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 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 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 pertaining to 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) AUTHORITIES.—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, including individuals with expertise in—

(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) 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.

(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, private 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, educational, 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 intergovernmental and 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 goals;

(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 individual;

(G) include 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; and

(H) 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 is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, 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 Secretary shall 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, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, 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) provides for 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 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 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; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, 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.

(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 an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(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.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) 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).

(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) 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, tribal, 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.

(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 to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) 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.

(h) 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; or

(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) 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, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) 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) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) 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 may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—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.

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.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term ''map'' means the map entitled ''Proposed Kenai Mountains-Turnagain Arm NHA'' and dated August 7, 2007.

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

(b) 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 land in 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; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) 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 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, funded, and developed;

(E) recommend 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;

(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 have been 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, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan 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 to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) 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 the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, 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 hearings) in the preparation of the management plan; and

(II) provides for 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 develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(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 State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or 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.

(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 an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(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.

(d) EVALUATION; REPORT.—

(1) 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—

(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—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) 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.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), 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 includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) 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 shall—

(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 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 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.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) 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.

(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.

(f) 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 provision of law.

(2) 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) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) 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 a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), 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 permit public access (including access by Federal, State, tribal, 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, tribal, or local law;

(3) alters any 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;

(4) authorizes or implies the reservation or appropriation 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 $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) 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) FORM OF NON-FEDERAL 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 fairly 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. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term ''Corridor'' means the Chattahoochee 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 or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled ''Chattahoochee Trace National Heritage Corridor, Alabama/Georgia'', numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent 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 noncontiguous 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.

(c) REPORT.—Not later than the 3rd fiscal year 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. 8102. 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.

(3) STUDY AREA.—The term ''study area'' means the area that is comprised of—

(A) the area of 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.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) 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 findings, conclusions, 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) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; 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 include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG 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 accomplishments of the Corridor; and

''(B) prepare a report in accordance with paragraph (3).

''(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

''(A) assess the progress of the management entity with respect to—

''(i) accomplishing the purposes of this title for the Corridor; and

''(ii) achieving 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 an analysis of—

''(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.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) 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 ''$10,000,000'' and inserting ''$15,000,000''.

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) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

''(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

''(d) 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.

''(e) 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.'';

(2) in section 10—

(A) in the first sentence of subsection (c), by striking ''shall assist the Commission'' and inserting ''shall, on the request of the Corporation, assist'';

(B) in subsection (d)—

(i) by striking ''Commission'' each place it appears and inserting ''Corporation'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end 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 paragraph (1).

''(3) PRIORITY.—In providing assistance to the Corporation under 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) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.''; and

(C) by adding at the end the following:

''(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

''(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

''(2) coordination regarding the implementation of the Plan.'';

(3) in section 11, in the matter preceding paragraph (1), by striking ''directly affecting'';

(4) in section 12—

(A) in subsection (a), by striking ''Commission'' each place it appears and inserting ''Corporation'';

(B) in subsection (c)(1), by striking ''2007'' and inserting ''2012''; and

(C) by adding at the end the following:

''(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.''; and

(5) in section 14—

(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 501(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)—

(I) in the matter preceding subparagraph (A), by striking ''19'';

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

''(C) The remaining members shall be—

''(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

''(ii) persons that are residents of, or employed within, the applicable congressional districts.'';

(B) in subsection (f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the serving Commissioners'';

(C) in subsection (g), by striking ''14 of its members'' and inserting ''a majority of the serving Commissioners'';

(D) in subsection (h), by striking paragraph (4) and inserting the following:

''(4)(A) to appoint any staff that may be necessary 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) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;''; and

(E) in subsection (j), by striking ''10 years'' and inserting ''15 years'';

(2) in section 807—

(A) in subsection (e), by striking ''with regard to the preparation and approval of the Canalway Plan''; and

(B) by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, 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 3(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 the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—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 for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 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 Sierra Vista 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'' issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a 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 that are 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—

(I) 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;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) 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.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) 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 SHARE.—

(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 engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served 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.

(2) 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 as 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.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to 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.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede 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 the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION 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 Project shall be 25 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.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 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, a 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.

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

(4) 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.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) 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.—In this section:

(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.

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

(6) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose,

Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes the major components and associated infrastructure identified as the ''Best Technical Alternative'' in the engineering report.

(7) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(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.—

(i) IN GENERAL.—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.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, 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 the Endangered Species Act of 1973 (16 U.S.C. 1531 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 of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF 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 $327,000,000.

(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) 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.

SEC. 9104. RANCHO CAILFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater 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 25 percent of the total cost of the project or $20,000,000, whichever is less.

''(c) LIMITATION.—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) entitled ''Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation'';

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) 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.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

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

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) 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.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(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 $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) 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 February 14, 1927 (69 Stat. 1098, 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 structure, 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 Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(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 2004 Agreement.

(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 accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, 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 subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered 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) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—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 Conservation 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 assist in evaluating 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 and the Committee on Resources of the House of Representatives 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);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) 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 paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting '', rehabilitation, and repair'' after ''and replacement''; and

(2) in paragraph (6), by inserting ''those for protection of critical habitat, those for preventing entrainment of fish in water diversions,'' after ''instream flows,''.

(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) in paragraph (1), by striking ''$61,000,000'' and inserting ''$88,000,000'';

(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

(3) in subsection (c)(4), by striking ''$31,000,000'' and inserting ''$87,000,000''.

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 other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(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 1093), and Acts supplemental to and amendatory 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)(i) 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.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), 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).

(B) 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 permittees 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)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(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)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and 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 after completion of the construction of the Project, the Secretary of the Navy 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 (f)) 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 and the District 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 PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer 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 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 the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition 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.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) 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.

(B) 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 such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL 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.

(e) 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 deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer 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 District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, 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 in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California 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 Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions 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 to carry out this section—

(1) $60,000,000, as adjusted to reflect the engineering 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 Secretary 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. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

''SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

''(b) COST SHARING.—The Federal share of the cost of each project described in subsection (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 2 of Public Law 102–575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

''Sec. 1650. Elsinore Valley Municipal Water District Projects, California.''.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater 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 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—

''(A) Marin County;

''(B) Napa County;

''(C) Solano County; or

''(D) Sonoma County.

''(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 relating to—

''(A) water quality improvement;

''(B) wastewater treatment;

''(C) water reclamation and reuse;

''(D) groundwater recharge and protection;

''(E) surface water augmentation; or

''(F) other related improvements.

''(3) STATE.—The term 'State' means the State of California.

''(b) NORTH BAY WATER REUSE PROGRAM.—

''(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

''(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

''(A) non-Federal entities; and

''(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

''(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

''(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

''(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

''(4) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

''(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

''(ii) the acquisition costs of land acquired for the project that is—

''(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

''(II) owned by an eligible entity and directly related to the project.

''(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(5) EFFECT.—Nothing in this section—

''(A) affects or preempts—

''(i) State water law; or

''(ii) an interstate compact relating to the allocation of water; or

''(B) confers on any non-Federal entity the ability to exercise any Federal right to—

''(i) the water of a stream; or

''(ii) any groundwater resource.

''(6) 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 $25,000,000, 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:

''Sec. 1651. North Bay water reuse program.''.

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

''SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(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.—Funds provided by the Secretary shall not be used for the operation and 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) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

''1652. Prado Basin Natural Treatment System Project.''.

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

''SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(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 are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

''1653. Lower Chino dairy area desalination demonstration and reclamation project.''.

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of 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 the section heading, by striking the words ''phase 1 of the''; and

(2) in subsection (a), by striking ''phase 1 of''.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term ''Project'' means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term ''Project'' includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

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

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) $26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) $26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities

Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

"SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(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) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—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 section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

''Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.''.

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 et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

"SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

''(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.—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 $20,000,000.

"SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—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 authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

''Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

''Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.''.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

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

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

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

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

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

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

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

''(3) ARKANSAS VALLEY CONDUIT.—

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

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

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

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

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

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

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

Subtitle C—Title Transfers and Clarifications

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the agreement numbered 06–AG–60–2115 and entitled ''Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma''.

(2) AUTHORITY.—The term ''Authority'' means the McGee Creek Authority located in Oklahoma City, Oklahoma.

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

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A)

and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0–07–50–X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding 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 the United States 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 Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(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 17.9051 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 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, 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 east 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 maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

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

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

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, 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 of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable 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 San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

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

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 07–LC–20–9387 between the United States and the District, entitled ''Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District''.

(2) DISTRICT.—The term ''District'' means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term ''Goleta Water Distribution System'' means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

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

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION 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 Distribution 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, omission, or occurrence 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 in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution 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 to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution 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 required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

''(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

''(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

''(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.'';

(2) in subsection (a), by adding at the end the following:

''(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.''; and

(3) by amending subsection (d) to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

''(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.''.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term ''Lower Colorado River Multi-Species Conservation Program'' or ''LCR MSCP'' means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) PROGRAM DOCUMENTS.—The term ''Program Documents'' means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

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

(5) STATE.—The term ''State'' means each of the States of Arizona, California, and Nevada.

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. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) IN GENERAL.—Due to the unique conditions of the Colorado River, 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 under this section.

(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 such actions.

(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 meet the obligations of the Secretary under the Program Documents, 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) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) 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;

(4) 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, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

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

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term ''assessment program'' means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) CLIMATE DIVISION.—The term ''climate division'' means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) 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.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term ''hydrologic accounting unit'' means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) 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. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term ''major aquifer system'' means a groundwater 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.—

(A) IN GENERAL.—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; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term ''major reclamation river basin'' includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(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 9506(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.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Secretary'' means the Secretary of the Interior.

(B) EXCEPTIONS.—The term ''Secretary'' means—

(i) in the case of sections 9503, 9504, and 9509, 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—

(1) to 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 environment 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 specific 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, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control 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 operating guideline in existence as of the date of enactment of this Act;

(B) the 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 resources data—

(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 global 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)(5).

(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 construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects 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 increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 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.—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 that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) 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 to assist the eligible applicant in planning, designing, or constructing any improvement—

(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 proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(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

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) 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 not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) 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.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) 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 other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an 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, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM 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) IN 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 for monetary damages of any kind 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) RESEARCH AGREEMENTS.—

(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;

(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 energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between 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 Reclamation projects and programs that may benefit from project-specific or programmatic 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 ASSESSMENT.

(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 hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE 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 National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is 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—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration 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 to meet long-term commitments of each Federal Power Marketing Administration.

(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 Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) 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. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a

climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental 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 nongovernmental organizations—

(1) to 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 glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be 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 resources that are necessary 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)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any 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 whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) 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, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability 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 within a State after the

date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection 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 State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods 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 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 subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. 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 status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(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 change in 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 uses.

(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 units and major aquifer systems 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) the integration of 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 trend relating to the availability 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 supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(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

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 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 (c) $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 provided, or responsibility conferred, 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 applicable State 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, is breached, 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 Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term ''reserved works'' mean 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 the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term ''extraordinary operation and maintenance work'' means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 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.—

(1) DEVELOPMENT OF GUIDELINES.—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, specific 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 shall take into account the 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 operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those 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, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(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 of a 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 the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. 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 preserve 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 will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be

necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to 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 the terms in the Settlement.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Settlement'' means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

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 the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 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 appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) 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 recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta 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 crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS 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) OTHER AGREEMENTS.—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) ACCEPTANCE AND EXPENDITURE 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 water users and landowners.

(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, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction 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 part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 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—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) $88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(2) 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).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase 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) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title 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 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(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.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by 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.

(2) 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.

(b) 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.

(c) 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 subsection (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 made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that 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' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use 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 ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds 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; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) 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 claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail 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 repaid 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 10004(a)(1) shall be shared 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 September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement 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 10004(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 of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (c), there are also 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 subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) AVAILABILITY.—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of 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 payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to 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) STUDY.—

(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 increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows 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 conveyance 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) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat 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 capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, 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 any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT 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, Hidden Unit, and Buchanan Unit contractors, entered 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. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized 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. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) 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.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other

capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) 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 no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(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 subsection (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.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), 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 (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the 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 annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States 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 required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102–575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States 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 part.

(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 GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 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 proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries 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 as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of

the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions 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 provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction 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 reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction 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 reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced 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 reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude 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 reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—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 counties in the hydrologic basins 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 San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160–05, 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 24 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—FRIANT 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 Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable 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 10203, and shall be a 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, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting 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 paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) 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 necessary storage, extraction, 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 has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) 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;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the

Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies 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.

(b) 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 plan provided for pursuant to section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. 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).

(c) In addition to 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 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 stream adjudication that is the subject of the civil action entitled ''State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.'', No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term ''Abeyta adjudication'' means the general stream adjudication that is the subject of the civil actions entitled ''State of New Mexico v. Abeyta and State of New Mexico v. Arrellano'', Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(4) 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.

(5) ALLOTTEE.—The term ''allottee'' means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(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 the term in section 3 of Public Law 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 in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term ''Colorado River System'' has the same meaning given the term in Article II(a) 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 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 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 by 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 impact 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 entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to 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'' has the same meaning given the term 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 Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ''Navajo-Gallup Water Supply Project'' or ''Project'' means the Navajo-Gallup Water Supply Project authorized under section 10602(a), 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; PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' or ''Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of 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 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond 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 the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(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, setting 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. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a 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. 10304. 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 authorized under 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. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 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. 620n) 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.

''(b) 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).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

''(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(B) Notwithstanding any other provision of law—

''(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

''(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

''(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo 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;

''(2) the contract executed under section 10604(a)(2)(B) of that Act; and

''(3) any other applicable law.

''(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

''(2) other nonirrigation purposes authorized under subsection (c) or (d).

''(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

''(2) 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 nonirrigation purposes under subsection (e).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage 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 section 8, which shall be the amount to which any shortage is applied.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

''(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning 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 Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(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 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

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 of—

(1) such amounts as are deposited 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 of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues 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. 388, 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) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount 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).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental 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.

(3) 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 entire 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) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), 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 costs, and substantially complete as expeditiously as 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 exceeded 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).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is 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.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is 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 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 Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled ''In re the General Adjudication of All the

Rights to Use Surface and Groundwater in the State of Montana'', if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) 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).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is 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 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.—

(aa) IN GENERAL.—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 exceeded 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) through (iii).

(cc) 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).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(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 distribution 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 acquire any land or interest in land that is 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, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), 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 the 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 to construct water conveyance 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 proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE 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 projects, up 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—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) 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) 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

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as

necessary to administer and fulfill the conditions 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 by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than 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) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 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, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice 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 constructed under subsection (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

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(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.

(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 subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment 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.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric 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 water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by 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.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point 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.

(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 or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(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 of the 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 Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), 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 benefitting 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.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) 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 claims 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; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project 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 in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) LIMITATION.—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) 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 Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of 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 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 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 United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the 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 Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, 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 confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the ''Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin'' as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(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 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.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the 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 the water supply of the Navajo Reservoir 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 may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(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-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) 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 be a part of, and 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 Lee Ferry pursuant to 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 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, 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 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.

(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—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(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 Arizona 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 for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions 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 manner 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 Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage 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) MINIMUM PERCENTAGE.—Notwithstanding 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 obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) 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 obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized 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. 2237); 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 authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

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 of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with 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.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—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 use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than 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) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, 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, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in 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 construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) 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 wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(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 to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated 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.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(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 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines 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 by wells 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 3,335 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-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo 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 to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the 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 be not more than 50 percent, and shall be nonreimbursable.

(2) FORM.—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).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) EXPIRATION.—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) LIMITATION.—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) 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.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 10608 $11,000,000 for the period of fiscal years 2009 through 2019.

(e) 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 the survey, recovery, protection, 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.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—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.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—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).

(2) 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 the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in 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 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation 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 subcontractor 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 use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) 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 have entered 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, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) 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 Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) 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 to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(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 forborne 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 subparagraph 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—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest 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 subtitle and 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 under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any 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 Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2010 through 2014; and

(2) $4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) CLAIMS BY THE NATION AND THE UNITED STATES.—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments

by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than 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 waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, 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 in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to 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 accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) 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.—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(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 and allottees, retain—

(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 8.0, 9.3, 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 subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, 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.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) TOLLING 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 earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) 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) have 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 in 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) it is the 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 limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 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 Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as 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;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many 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 State, 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 also seek 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;

(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 under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River'' and signed in counterpart between, 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).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) RESERVATION.—The term ''Reservation'' means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

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

(7) STATE.—The term ''State'' means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term ''upstream water user'' means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

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) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed 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) DEVELOPMENT FUND.—

(1) 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.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2010 through 2014.

(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 testing laboratory.

(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 subsections (b)(3) and (c)(3) 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 actions 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 manage the Funds, including 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. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds 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)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections

(b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds 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, on behalf of themselves and their members, 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 protect, acquire, replace, or 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 effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(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 decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights 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 and protect 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), 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.), and the regulations implementing those Acts; and

(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, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING 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; or

(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;

(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 the Comprehensive 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 allottee;

(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.

(4) 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 pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(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:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

(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'' before 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 and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;'';

(2) in subparagraph (B), by striking ''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 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), 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(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(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. 31d(a)) is amended—

(A) in paragraph (2)—

(i) 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,'';

(ii) by inserting ''and'' after ''Energy or a designee,''; and

(iii) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(B) in paragraph (3)—

(i) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(ii) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(iii) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially''.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2009 through 2018.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the ''Secretary''), in coordination with the State of New Mexico (referred to in this section as the ''State'') and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) 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 and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

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 Administration.

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

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

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

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

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

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

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

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

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

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

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

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

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

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

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

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

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

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

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

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

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

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

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

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

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

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

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 increase scientific 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 these organizations;

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

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

SEC. 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 regions, and the National Institute for Undersea Science and Technology.

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

SEC. 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 mission and programs.

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

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

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

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

SEC. 12106. COMPETITIVENESS.

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

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

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 West Coast regional centers and 50 percent shall be for East Coast regional centers; and

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

(2) for fiscal year 2010—

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

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

(3) for fiscal year 2011—

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

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

(4) for fiscal year 2012—

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

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

(5) for fiscal year 2013—

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

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

(6) for fiscal year 2014—

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

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

(7) for fiscal year 2015—

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

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

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 exclusive 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 siting 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, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies 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 the interoperability of in situ data collection systems, data processing, archiving, 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 through research, 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 registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) 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 otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and 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; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days 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 and surveying 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. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—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 may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen 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 each 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 in consultation with the interagency committee.

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 Committees 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 (metadata) 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 systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, 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 counties 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 Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the

Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, 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, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be colocated 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;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

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

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(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 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

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

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator

of the National Oceanic and Atmospheric Administration.

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

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 12304(c)(2).

(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 through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

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

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to 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, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, 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 that are produced by that asset 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 oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration 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 transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System 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 consultation 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 standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained 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 appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council 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 Council, the Interagency Ocean Observation Committee, 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 Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration

projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal 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 regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all 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 other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(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 participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—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 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 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed 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 special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—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 at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) 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 participating in 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, while operating 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 elements 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 receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION 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 prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(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 discussion of the performance and 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);

(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 programmatic audit 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 processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, 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 by the Administrator to 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 supplement, and not 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 $250,000,000 in life-cycle costs without first 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;

(2) establishment of an ocean acidification 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. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

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

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—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.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—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) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(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 ocean acidification 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.

(c) 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 and 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 and 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.

(3) STRATEGIC RESEARCH PLAN.—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 the impacts 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;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which 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 adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data 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;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

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—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary 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

(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) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(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) $6,000,000 for fiscal year 2009;

(2) $8,000,000 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:

''AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

''SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

''(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

''(1) a Coastal Zone Management Plan or Program approved under this title;

''(2) a National Estuarine Research Reserve management plan;

''(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

''(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

''(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

''(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

''(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

''(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

''(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

''(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

''(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 effectively managed and protected and that have significant ecological value.

''(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; and

''(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 stakeholders with expertise in land acquisition and conservation procedures.

''(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

''(10) 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.

''(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 the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

''(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

''(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 property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

''(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

''(f) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

''(2) COST SHARE REQUIREMENT.—

''(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

''(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

''(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (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 may be used 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;

''(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 planning process to the land or easement that would be acquired.

''(B) 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.

''(C) 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 lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

''(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

''(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

''(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made 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;

''(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

''(C) 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; and

''(2) certification that the property (including any interest in land) will be acquired from a willing seller.

''(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), 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.

''(k) DEFINITIONS.—In this section:

''(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

''(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 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, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

''SEC. 26. NORTH DAKOTA TRUST FUNDS.

''(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited 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;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

''(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).''.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

''SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

''(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

''(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(d) MANAGEMENT.—Notwithstanding section 5, 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. 3037 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) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried 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 amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), 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 EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

''(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

''(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).''.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''7 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Energy (7)'' and inserting ''Assistant Secretaries of Energy (8)''.

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 under the laws of the State of New Mexico.

(2) MAP.—The term ''map'' means the map entitled ''Lovelace Respiratory Research Institute Land Conveyance'' and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as ''Parcel A'' on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the

Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual 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 Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(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 damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, 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 in association 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) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, 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 Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force 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) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

''§ 153514. Authorization of appropriations

''(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2008 through 2017.

''(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.''.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(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 other 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 collaborations that 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.

(d) 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.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of 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, EDGEWATER, 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 to accommodate 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 through 2011. 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 Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—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.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 24, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Thomas Strickland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 17, 2008. At 10 a.m.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SCHUMER. 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 March 17, 2009 at 10 a.m. to conduct a hearing entitled ''Perspectives on Modernizing Insurance Regulation.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, March 17, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on Tuesday, March 17, 2009 at 10 a.m., in room 215 of the Dirksen Senate Office Building

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 17, 2009 at 2:30 p.m.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Law Enforcement Responses to Mexican Drug Cartels'' on Tuesday, March 17, 2009, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, March 18, following the period of morning business, the Senate proceed to executive session to consider Calendar No. 24, the nomination of Ronald Kirk to be U.S. Trade Representative; that there be up to 90 minutes of debate with respect to the nomination, with the time divided as follows: 30 minutes under the control of the majority and 60 minutes under the control of the Republicans; that upon the use or yielding back of time, the vote on confirmation of the nomination occur at a time to be determined by the majority leader, following consultation with the Republican leader, and that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

ADDITIONAL TEMPORARY EXTENSIONS OF THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1541, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1541) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, 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 related to the bill be printed in the RECORD.

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

The bill (H.R. 1541) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING AND IMPROVING THE FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. 303.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 303) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 303) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 303

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 ''Federal Financial Assistance Management Improvement Act of 2009''.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''**AND SUNSET**''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant; and

''(F) the deadlines for applying for and awarding of the grant.

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

''(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(B) apply for a Federal grant using the website;

''(C) manage, track, and report on the use of Federal grants using the website; and

''(D) provide all required certifications and assurances for a Federal grant using the website.''; and

(3) in subsection (g), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives

of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

''(H) minimizing the number of different systems used to disburse Federal financial assistance.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. MERKLEY. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 39 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 39) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. MERKLEY. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 39) was agreed to.

APPOINTMENT OF DAVID M. RUBENSTEIN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 8 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 8) providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The joint resolution (S.J. Res. 8) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the

class other than Members of Congress, occurring because of the expiration of the term of Anne d'Harnoncourt of Pennsylvania is filled by the appointment of David M. Rubenstein of Maryland. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

APPOINTMENT OF FRANCE A. CORDOVA AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 9 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 9) providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The joint resolution (S.J. Res. 9) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Eli Broad of California is filled by the appointment of France A. Córdova of Indiana. The appointment is for a term of 6 years, effective on the later of April 7, 2009, or the date of enactment of this joint resolution.

ORDERS FOR WEDNESDAY, MARCH 18, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, March 18; that following the prayer and pledge, the Journal of proceedings 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 for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate proceed to executive session under the previous order; further that following executive session, the Senate resume consideration of H.R. 146, the lands bill.

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

PROGRAM

Mr. MERKLEY. Mr. President, Senators should expect a series of votes around 2 p.m. on the confirmation of the Kirk nomination and three Coburn amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, March 18, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DAVID F. HAMILTON, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE KENNETH F. RIPPLE, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHLEEN SEBELIUS, OF KANSAS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

WILLIAM V. CORR, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE TEVI DAVID TROY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

MICHAEL J. MCNEIL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DESARAE A. JANSZEN

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

XAVIER A. NGUYEN
SCOTT D. ROBINSON
JENNIFER A. TAY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOHN M. BEENE II
RAMSIS K. BENJAMIN
ELIZABETH N. SMITH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

LAURA K. LESTER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIGITTE BELANGER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MITZI A. RIVERA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CATHERINE B. EVANS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VICTOR G. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN T. CHOATE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RAFAEL A. CABRERA
THOMAS D. STARKEY

To be major

JOSEPH P. JEANETTE
CAROLINE F. MERVEILLE
JESUS MULET
WYLAN C. PETERSON
ANDREW J. SCHOENFIELD
MARK R. SHASHIKANT
CARL J. TADAKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ROBERT A. BORCHERDING
ROBERT A. BROADBENT
ERIC R. CARPENTER
CHRISTOPHER D. CARRIER
DANA J. CHASE
JOHN H. COOK
MICHAEL S. DEVINE
RICHARD P. DIMEGLIO
TIERNAN P. DOLAN
MARK E. EICHELMAN
DEIDRA J. FLEMING
JOHN S. FROST, JR.
PATRICK L. GARY
LANCE S. HAMILTON
DONNA C. HANSEN
STEPHEN L. HARMS
PETER R. HAYDEN
BRIAN A. HUGHES
RUSSELL K. JACKSON
JOHN P. JURDEN
ELIZABETH KUBALA
KATHERINE A. LEHMANN
JULIE A. LONG
DION LYONS
ELIZABETH G. MAROTTA
ALISON C. MARTIN
JEFFREY A. MILLER
JOSEPH B. MORSE
JOHN T. RAWCLIFFE
TRAVIS L. ROGERS
CARLOS O. SANTIAGO
DANIEL P. SAUMUR
JOSHUA S. SHUEY
DANIEL A. TANABE
JAMES J. TEIXEIRA, JR.
PETER H. TRAN
JAMES S. TRIPP
MARK A. VISGER
DOUGLAS K. WATKINS
WARREN L. WELLS
DEAN L. WHITFORD
DARYL B. WITHERSPOON
MICHAEL C. WONG

EXECUTIVE OFFICE OF THE PRESIDENT

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE KAREN K. BHATIA, RESIGNED.

DEPARTMENT OF STATE

ROSE EILENE GOTTEMOELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE PAULA A. DESUTTER, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

WILLIAM CRAIG FUGATE, OF FLORIDA, TO BE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 17, 2009 withdrawing from further Senate consideration the following nomination:

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 16, 2009.

EXTENSIONS OF REMARKS

CONGRATULATING PEBBLEBROOK HIGH SCHOOL

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate an exceptional high school choir in my district, Pebblebrook High School Performing Arts Chamber Choir of Mabelton, Georgia, which has been chosen to perform at New York City's legendary Carnegie Hall on March 20, 2009.

Pebblebrook High School Performing Arts Chamber Choir was selected out of dozens of high school choirs across the country for this performance. The concert will feature 200 students from four states, and is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert will be conducted by Dr. Craig Jessop, esteemed Director of the Utah State University Music Department and former director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the nation. I am delighted that these young constituents have been given this opportunity.

Led by George Case, the Pebblebrook High School Performing Arts Chamber Choir performs works from all periods of classical music with a strong emphasis on 20th- and 21st-century compositions with a focus on choral/orchestral masterworks. The Choir has shared the stage with the Atlanta Symphony Orchestra and Cobb Symphony Orchestra, and has entered numerous competitions and adjudications at which they have consistently received superior ratings and awards. Choir members are actively involved in extracurricular performances and are given the opportunity to work with top professionals in the arts from the Atlanta area and throughout the United States.

I am honored to have one of the four schools in the nation chosen for the Carnegie Hall National High School Choral Festival residing in my Georgia district. They should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of Georgia provides. I commend these students and their leaders for their success, and wish them the best of luck on March 20 when they perform at Carnegie Hall.

IN HONOR OF JUSTICE SEAN RYAN; SUPREME COURT JUDGE OF IRELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Justice Sean Ryan, High Court and Supreme Court Judge of Ireland, as I welcome him to Cleveland, Ohio on St. Patrick's Day, March 17, 2009.

For the past thirty years, attorneys Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade—a joyous event that brings people together in the heart of Cleveland. This treasured event promotes and preserves the rich traditions of their beloved Irish homeland. As in years past, downtown Cleveland will once again spring to life as a sea of green and the spirited sound of drums and bagpipes wind their way along Euclid Avenue. This enchanted day promises old friendships renewed, the discovery of new ones, and the spirit of all those joining together to celebrate Irish culture.

Justice Sean Ryan studied in Dublin at University College and at Dublin & King University where he studied law. After being called to the Bar in 1972, Justice Ryan practiced as junior counsel in the South Eastern Circuit of Ireland until 1983, when he was appointed to Senior Counsel. For the next twenty years, Justice Ryan worked diligently in Ireland's High Court and Supreme Court on a wide range of cases and issues, including constitutional law, law of torts, criminal law and administrative law. Since 2001, Justice Ryan has focused his energy and expertise on investigating cases of child abuse and working as an advocate for victims of child abuse.

Madam Speaker and Colleagues, please join me in honor and recognition of Justice Sean Ryan, as we welcome him to Cleveland on St. Patrick's Day. Please also join me in recognition of Tim Collins and Thomas Scanlon for organizing this wondrous St. Patrick's Day Celebration again this year, as they have for the past thirty years. ''Ni dheanfaidh smaoineamh an treabhadh duit—You'll never plough a field by turning it over in your mind'' Old Irish Proverb.

A TRIBUTE TO TRACYE RAWLS-MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Tracye Rawls-Martin, proud daughter of Henry Sr. and Shirley M. Rawls, wife of Arnold V ''Woody'' Martin, stepmother to Britt'ney D. Clarence and ''Nana T'' to Woody's oldest daughters' son, Charles Lovell 3rd.

Tracye Rawls-Martin, MS ATC is a Certified Athletic Trainer and one of 5 African American Athletic Training Education Program Directors in the United States. She is ''mother'', advisor and professor to more than 16 Athletic Training Students within the BS/MS Degree Program in Athletic Training & Sports Sciences at Long Island University Brooklyn Campus. She began her academic career as a Dance Education major and progressed to a Pre-Physical Therapy major and fell in love with an Athletic Training major. After completing two semesters in the Pre-Physical Therapy program at Kingsborough Community College, she decided it was time to move on to a more exciting and productive field—the field of Athletic Training and Sports Sciences. The field of Athletic Trainers was made for her because it is designed for Health Care Professionals who specialize in prevention, assessment, treatment and rehabilitation of injuries and illnesses that occur to athletes and the physically active. All Certified Athletic Trainers must have at least a bachelor's degree in athletic training, which is an allied health profession, must pass a comprehensive exam before earning the ATC credential, must keep knowledge and skills current by participating in continuing education and must adhere to standards of professional practice set by a national certifying agency.

The combination of dance education & athletic performance was a winning combination for her personality because she loves helping people, teaching, watching and participating in sports. In addition to nurturing her students through academic requirements for the program, she has had the honor and privilege of working with over 1000 athletes worldwide; high school, junior college, division one collegiate athletes, semi professional and professional. Her current responsibilities as Director of Athletic Training Education Programs at Long Island University, Brooklyn Campus include teaching (18 credit hours teaching a variety of sports medicine topics which include risk management, injury prevention, orthopedic examination & diagnosis, medical conditions and disabilities, acute care of injuries and illnesses, therapeutic modalities, conditioning, rehabilitation exercise and pharmacology, psychosocial intervention and referral, nutritional aspect of injuries and illnesses and health care administration), administrative (direct and administer BS/MS Degree Program and Advanced Master's Degree program in Athletic Training and Sports Sciences, maintain guidelines and standards set forth by the accrediting agency, work with the Clinical Coordinator to establish and maintain affiliations, conduct and publish research/scholarly activities in areas of expertise, advise students, develop and implement internal/external marketing strategies for the Athletic Training Education Programs, assist in the recruitment of faculty, continue to encourage good citizenship and professional conduct among all students and faculty so as to promote the best interest of athletic trainers, maintain continuing education credits, participate/coordinate and conduct committees within the Division, School of health Professions, the University and the Brooklyn Committee), service (active member with the local, regional and national athletic training organizations, Athletic Training Students Club/Members and Faculty noted on national website, Instructor for American Heart Association, Book reviewer for Lippincott Williams and Wilkin publishing company, participant in several health events for children, i.e. TEAM L.I.U-Teenagers Educated About Asthma Management).

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In addition, Tracye Rawls-Martin is an entrepreneur and a top executive for one of the world's largest direct selling telecommunications providers. On a part time basis she has reached the first earned executive position in the company. She is well on her way to helping hundreds and thousands of individuals achieve financial freedom and continue to live our their life long dreams whether it be to have more time with their families or to explore the beaches of the world.

Tracye will continue to pursue her passions and would like to contribute her success to the Lord, her family and her students. She will not rest until she has fulfilled her life's long mission—to take care of children of all ages, to feed them, clothe them, teach them and love them; in the end to develop a place they can call home and a place they can always return to a ''University for Children.''

HONORING THE ACCOMPLISHMENTS OF DETECTIVE LESTER J. NERI

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania, who has retired after 33 years of loyal service in law enforcement.

Detective Lester J. Neri started his career in 1975 with the Springfield Township Police Department and faithfully served the Tredyffrin Township Police Department for the last 27 years.

Detective Neri earned the respect of fellow officers and supervisors with his outstanding leadership and analytical skills over the course of his distinguished career.

He has been a tremendous asset to the department due to his wide range of skills, including crisis negotiations, homicide investigations, undercover investigative techniques and fingerprint processing.

Despite retiring in December, Detective Neri continues to serve the 42,000 men and women who pin on a badge each day in his position as State President of the Pennsylvania Fraternal Order of Police.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Detective Lester J. Neri, and all those who take an oath to serve and protect their communities.

TRIBUTE TO THE GERMANTOWN BULLDOGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a championship team from Germantown, Illinois.

The Germantown Bulldogs beat Mt. Vernon-St. Mary 35–32 to clinch the 2009 Southern Illinois Junior High School Athletic Association Class S state championship. The Bulldogs brought home the trophy after finishing the season with a stellar 28–1 record.

To win the title, the Bulldogs built an early lead, then had to hold off an intense second-half rally, but they showed poise under pressure, and held on to get the win.

I want to congratulate Coach Gerard Alpers and his assistant coach, Jeff Lampe, on their fine work with this group of student athletes. I also want to extend my congratulations to the members of the 2008–2009 Germantown Bulldogs state championship boys basketball team: Seth Haake, Nick Hitpas, Jalen Albers, Drew Foppe, Grant Haake, Kevin Haar, Kyle Kohnen, Brandon Becker, Mitchell Langenhorst, Christian Kohnen, Kyler Scheer, Jordan Lampe and Travis Wuebbels.

This outstanding group of young men represented themselves, their school, families and community in a first-rate fashion. It is my privilege to congratulate them on a job well done.

RECOGNIZING PLIGHT OF TIBETAN PEOPLE ON 50TH ANNIVERSARY OF THE DALAI LAMA'S EXILE

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LEVIN. Mr. Speaker, one year ago, a wave of protests began in Lhasa and swept across the Tibetan Plateau. In the time since, the Chinese government has pursued policies that demonstrate a failure to live up to its commitments to its ethnic minority citizens—commitments that are well-documented and unmistakable. Chinese law includes protections for the distinctive culture, language and identity of ethnic minority citizens. China's Regional Ethnic Autonomy Law, for example, guarantees ethnic minorities the ''right to administer their internal affairs.'' Specifically, the term ''regional ethnic autonomy,'' as the law itself defines it, ''reflects the state's full respect for ethnic minorities' right to administer their internal affairs.'' Over the past year, the actions of the Chinese government have reflected neither ''the state's full respect'' of ethnic minority rights, nor of human rights standards recognized in both Chinese and international law.

On January 19, 2009, the People's Congress of the Tibet Autonomous Region established a new holiday called ''Serfs'' Emancipation Day.'' As the Congressional-Executive Commission on China has reported, this new holiday commemorates the March 28, 1959, Chinese government decree that dissolved the Dalai Lama's Lhasa-based Tibetan government. The Chairman of the Standing Committee of the Tibet Autonomous Region People's Congress said the new holiday would ''strengthen Tibetans' patriotism.'' He also said that officials had met to ''ensure that all people mark the occasion with festivities.'' Chinese officials have required Tibetans to celebrate the end of the Dalai Lama's government, and, by implication, his departure from Tibet fifty years ago. This is how the Chinese government demonstrates its commitment to ''the state's full respect for ethnic minorities' right to administer their internal affairs.''

For the last several weeks, international media organizations have reported that Chinese authorities have been closing Tibetan areas to foreign reporters and travelers. Last month, China's Central Propaganda Bureau and State Ethnic Affairs Commission publicized a document titled ''An Outline Concerning Propaganda Education on the Party and State's Ethnic Policy.'' As the Congressional-Executive Commission on China has reported, this document calls for resisting ''international hostile forces raising the banner of such things as 'ethnicity,' 'religion,' and 'human rights' to carry out westernization and separatist activities toward our country.'' Let us be absolutely clear: Tibetan grievances exist not as a result of foreign influence. Tibetan grievances exist for one reason and one reason only: in spite of what the Chinese government has written in its laws, in practice it has created an ethnic autonomy system that denies fundamental rights to ethnic minorities. This could not be clearer than it has become over the last year.

The time for change is now. I repeat today what I stated in this chamber nearly one year ago: protest activity that results in the destruction of property or death of anyone, whether Tibetan or non-Tibetan, is unacceptable in any context. But the harshness with which the Chinese government has handled affairs over the last year across the Tibetan plateau and in other ethnic minority regions of China—harshness that Chinese officials have sought to justify as being necessary to preserve stability—has revealed instead a level of hostility toward China's ethnic minority citizens not seen in decades, and has heightened fears for Tibetans, Uyghurs, and other ethnic minority peoples in China.

The Congressional-Executive Commission on China has tracked policies that undercut protections for ethnic minority languages that are stipulated in Chinese law. Measures to promote Mandarin-focused ''bilingual'' education in schools in the Xinjiang Uyghur Autonomous Region, for example, have resulted in language requirements that disadvantage ethnic minority teachers. These and other job hiring and labor practices are part of a broader set of policies that restrict ethnic minority rights, and that illustrate the Chinese government's failure to abide by commitments as set forth in China's own Constitution and laws. Article 4 of the Chinese Constitution and Article 9 of China's Regional Ethnic Autonomy Law, for example, both forbid discrimination based on ethnicity. Article 12 of China's Labor Law and Article 3 of China's new Employment Promotion Law state that job applicants shall not face discrimination in job hiring based on factors including ethnicity, and Article 28 of China's new Employment Contract Law states that all ethnicities enjoy equal labor rights.

The Chinese government seems to protect some aspects of ethnic minority rights in communities that are not perceived to challenge state policies. But shortcomings in both the substance and the implementation of Chinese policies toward ethnic minorities prevent ethnic minority citizens from fully enjoying the rights that the Chinese government itself plainly and openly has said are guaranteed under China's own laws, and under international legal standards. A wide range of public policy areas today present challenges that are pressing and real, but concerns in other policy areas do not eclipse the Chinese government's abuses of law and its ongoing violations of the fundamental rights of Tibetans, Uyghurs and other ethnic minority citizens of China, and of Han Chinese citizens as well.

I would urge all of my colleagues to take full advantage of the resources available to the public on the web site of the Congressional-Executive Commission on China—www.cecc.gov—and to make use of the Commission's analysis of developments as they unfold in Tibetan areas, and across China. The Commission monitors and reports continuously on human rights and the rule of law in China, and I encourage all to check the Commission's web site regularly for updates, to subscribe to the on-line newsletter, and to rely on the Commission's published reports to keep up with developments in China.

Finally, the resolution of Tibetan grievances can occur only with direct talks between the Chinese government and the Dalai Lama. As China plays an increasingly important role in the international community, other countries will appropriately assess China's fulfillment of the commitments it has made in both Chinese and international law, including legal and constitutional commitments to ethnic minorities. The international spotlight remains on China. We hope that the Chinese government will welcome such attention with a full commitment to openness, and to the implementation of basic human rights.

YEAR OF THE MILITARY FAMILY

SPEECH OF

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. HEINRICH. Mr. Speaker, I rise today in full support of making 2009 the Year of the Military Family.

It is an honor to support this measure and to express my heartfelt appreciation, and that of our entire congressional district, for the families of our men and women who serve in the military.

For so many New Mexican families, military service has been in our blood for generations.

Our state has often had the highest rate of military volunteerism in the country and the 1st congressional district is home to countless veterans, not to mention the large number of proud service members stationed at Kirtland Air Force Base.

Yet we know all too well that with each individual who generously gives their service to their country through our military, there is a significant impact on those closest to them.

Each time a service member leaves home, they leave behind caring husbands and wives, loving sons and daughters, worried parents and whole communities that remain concerned for their safety.

There is no question that these affected families are also serving our country—by courageously enduring long separations from loved ones and the demands of deployments abroad.

So today, I proudly honor the commitment, sacrifice, courage and steadfast support that have been provided by our country's military families, allowing our service members to serve and I ask my colleagues to support this resolution.

TRIBUTE TO BILL GHENT, INC.

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a community institution in Harrisburg, Illinois, celebrating its 100th birthday.

Bill Ghent, Inc. began business in 1909 as J.C. Robertson, and boasted as its slogan, "Friends may sympathize, but we pay cash." Bill Ghent joined the business in the late 1930s, and in 1957, Bill Ghent, Inc. was established. In the early days, the only worries this small-town insurance agency was concerned with were fire and lightning. "Now, we've got all kinds of perils to deal with," Bill Ghent, II, told the local newspaper.

These days, Bill Ghent, Inc, insures not just private citizens and their property, but also looks after the schools of the area. Insuring schools is something of a tradition for Bill Ghent, Inc. In Mr. Ghent's office, behind glass, is the 1909 to 1911 policy for the Bramlet School in Raleigh, Illinois. It insured the school building for $500 and the contents for $100.

Bill Ghent, Inc. has served the residents of Harrisburg and southeastern Illinois from the days of horse and buggies to today's modern world. I want to congratulate Bill Ghent and all the employees of Bill Ghent, Inc. on one hundred years of service to the community, and to wish them one hundred more.

TRIBUTE TO SERGEANT BRIAN SCHAR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. DUNCAN. Madam Speaker, Albert Caswell is one of the finest tour guides in the United States Capitol Guide Service. But what many may not know about Albert is that he is also a gifted poet.

Oftentimes, when I run into Albert in the Capitol, he shares his work with me. Recently, he gave me a poem about a man from my District in East Tennessee, Sergeant Brian Schar.

Sergeant Schar served our Nation valiantly during the War on Terror, and in doing so made a sacrifice only few could imagine.

Albert's poem is a tribute to Sergeant Schar's courage and strength as he adjusts to life as a double amputee. While we often hear on the news of the lives lost in the War, we also need reminding of the thousands more who suffered life-altering injuries.

Madam Speaker, I would like to call Albert's poem to the attention of my colleagues and other readers of the RECORD, and I pray many will be inspired by his words.

Everyday, magnificent men and women like SSG Schar go off to war and leave their loved ones behind. All for the greater good, putting themselves last while putting their nation first. Many lie in graves as the ultimate sacrifice. While, others like Brian . . . must come home and fight another battle. While all the time teaching and inspiring us, with their undying faith and courage to inspires us.

ONE THING . . . FOR SCHAR

Throughout the course of our nation's history . . .
There have come so many fine patriots who have blessed her so indeed . . .
And many all from this great state of Tennessee . . ..
Men like Crockett all in their glory . . .
And Sargent York, all the more he . . .
Who, fought and died . . .all so we could be free . . . their story . . .
Men, who went straight into that face of hell . . .
With hearts of courage full, which swelled . . .
Who all in that moment of truth . . .
Have so showed us the proof . . .
That on this earth, angers dwell . . .
For there have been so many Tennesseans, such fine lives would create . . .
Men who have so blessed our nation, and this their state . . .
But, One Thing For Schar . . .
The Tallest of All Tennessean's by far . . .
Are but men like this young star . . .
Men who so bravely lived and died . . .
Who come home without arms and legs . . .
And don't ask why? . . .
For they have a higher calling . . .
As they wipe those tears from their eyes . . .
For he won't moan and he won't beg . . .
As a new war he must wage . . .
As on this day he stands taller, than any other man with legs . . .
As he must go through hell and back, all so you can say . . .
I am free this day . . .
As one of The Tallest of Tennessean's, he now stands . . .
As it's his heart that which now so commands . . .
Teaching us . . .
Reaching us . . .
Into your our very souls to make us understand . . .
Why we are free, and how beautiful a heart can be . . .
Blessing us all, you and me . . .
As the high cost of freedom we so see . . .
As from his heart he speaks!
Saying, I will not be stopped . . .
I will not be slowed . . .
As a force of nature, as onward he goes . . .
As his fine heart climbs mountains tops . . .
And if I ever have a son . . .
I but hope and pray that he could but be like this fine one . . .
But, one thing I ask . . .
One, Thing . . . For Schar . . .
As you go home this night . . .
Holding, your family warm and tight . . .
As all in your world, all seems so right . . .
Remember, the great price of freedom paid . . .
Get down on your knee's . . .
And thank this young man so brave . . .
And all of his brothers and sisters in arms, who now so lie in soft quiet graves!
Just, One Thing For Schar . . .

ALBERT CAREY CASWELL ©, 2009

FAOY This poem is dedicated to a real American Hero Brian Schar . . . he was injured on September 9th 2007 in an IED blast . . . SSG Brian Schar of A. Co. 9th Eng 1st ID The United States Army . . . Brian is a Combat Engineer from Sevierville Tennessee.

TRIBUTE TO KENT OLSON, EXECUTIVE DIRECTOR OF THE PROFESSIONAL INSURANCE AGENTS OF NORTH DAKOTA

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. POMEROY. Madam Speaker, I rise to honor the distinguished career of Kent Olson. I am pleased to have known Kent Olson for the many years he served as the Executive Director of the Professional Insurance Agents of North Dakota working with him on important insurance issues for North Dakota farmers.

Kent Olson is a model of the highest standards of honesty, integrity and professionalism. As Mr. Olson prepares to begin retirement, I want to pay tribute to his leadership of the professional insurance agents in North Dakota focusing on the importance of quality continuing education for its members that translated into excellent service for families and farmers in North Dakota. Throughout the years, quality education for professional insurance agents has been known by one name: Kent Olson.

Among his many achievements, Kent Olson is an expert in crop insurance and has been passionate in support of the key role that crop insurance plays in the farming economy of our state and of our entire nation.

In addition to his work in our state, Kent has contributed his many talents to the national PIA agents association, putting on seminars and getting personally involved every year. His involvement typifies his belief in our democracy and embodies the motto of PIA as being, ''Local Agents Serving Main Street America.'' Kent believes passionately in the value that local professional insurance agents always provide. And with equal passion, he believes that insurance should continue to be regulated by the State, not by the federal government.

I am pleased to note that although Kent will be retiring, he will never give up his passion—whether they are for the Main Street insurance agents, who have come to call him a close friend, or for his family, or for his music.

Kent Olson is one of those people whom everyone respects, and with many good reasons. I have had the pleasure of calling Kent Olson a colleague and a friend, and that will never change.

I am pleased to congratulate and commend Kent Olson on the occasion of his retirement as executive director of the Professional Insurance Agents of North Dakota.

RECOGNIZING AT&T FOR JOBS CREATION AND COMMITMENT TO CLEAN ENERGY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. BACA. Madam Speaker, in this time of economic uncertainty, I rise to thank one company who is actively working to create new jobs and practice a clean, environmentally friendly business model, AT&T.

Through a new $18 billion initiative, AT&T is pledging to increase its broadband capacity. Not only will this initiative increase Internet speed and accessibility for customers, but perhaps more importantly it will create 3,000 new jobs.

Over the next ten years, AT&T also plans to create or save an additional one thousand jobs through a plan to invest $565 million in replacing its current fleet of vehicles with 15,000 domestically manufactured Compressed Natural Gas and alternative fuel vehicles.

Research shows that this new fleet will save 49 million gallons of gasoline over the next ten years. It also will reduce carbon emissions by 211,000 metric tons in this same time frame.

Madam Speaker, I applaud AT&T for its initiative in taking the lead in the movement to green our economy. Not only will these new initiatives help lead our nation out of its current economic downturn, but they also help to create an environmentally sustainable future for our children and grandchildren to enjoy. These actions set AT&T apart as an exemplary company, and I hope that others will soon follow their lead.

TRIBUTE TO THE OMEGA PSI PHI FRATERNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to recognize my fraternity, Omega Psi Phi Fraternity, Incorporated, the first African-American national fraternal organization to be founded at a historically black college, for their 7th Annual Florida Political Summit in Tallahassee, Florida.

For nearly 100 years, my fraternal brothers have faithfully carried out their mission of fostering the growth of men, both college and post college, by providing an outlet and opportunity to serve the community as set forth by our founders at Howard University, Edgar A. Love, Oscar J. Cooper, Frank Coleman, and Ernest Just.

Since its inception in 1911, Omega Psi Phi brothers have been advocates of taking leadership to prevent violence against women and children in the African-American community, supported efforts of the United Negro College Fund and the Congressional Black Caucus, and most recently partnered with the American Cancer Society and the National Association of Basketball Coaches in Coaches vs. Cancer in empowering basketball coaches, their teams and local communities to make a difference in the fight against cancer.

While attending Florida Agricultural and Mechanical University, FAMU, in Tallahassee, Florida, I had the distinct honor of serving as Basileus of the Upsilon Psi Chapter of Omega Psi Phi. My experiences as Basileus have served as the cornerstone in my education and leadership skills that I have carried over into this esteemed Chamber in representing the 17th Congressional District of Florida.

In an esteemed effort to continue Omega Psi Phi's mission, I know the men of Omega Psi Phi Fraternity will discuss their legislative concerns ranging from civil rights, health care reform and veteran's affairs to public education, foreign policy, and economic issues while sharing their experiences and raising awareness of issues affecting our daily lives.

Madam Speaker, I encourage my colleagues to join me in wishing my brothers of Omega Psi Phi Fraternity a successful political summit as these men continue to build a strong and effective force of men dedicated to its Cardinal Principles of manhood, scholarship, perseverance, and uplift.

REMEMBERING THE LIFE OF MUSIC IMPRESARIO RALPH MERCADO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. RANGEL. Madam Speaker, I rise to ask my colleagues to pause and remember the life of a good friend, Ralph Mercado, the legendary Latin music executive who recently passed away on March 10, 2009. As much an icon as the musicians that he worked with and promoted, Mercado was a visionary innovator who helped popularize tropical music worldwide, including New York's mixture of popular Latin rhythms know as ''salsa.''

Mercado etched his name in the history books by building a record label whose various components (from a publishing company to a video and film production arm) helped make and take salsa to some of the largest stages around the world. A catalog of award-winning international hits across three decades transformed the Latino music industry, bringing respect not only to talented artists but also providing young Latinos with a way to connect with their parents, their roots and their communities.

It all started in Brooklyn on Sept. 29, 1941. The son of a Dominican dockworker and a Puerto Rican factory worker, Mercado often commented that he learned merengue, the typical dance from the Dominican Republic, in the hallway of the family's fifth-floor walkup as soon as he could walk. He first fell in love with the rhythms while at the Palladium Nightclub when he was only 16, watching the big bands of Machito, Tito Puente and Tito Rodriguez. As a teenager, he was famed for producing ''waistline parties'' in apartment building basements where a couple's admission was a penny per inch of their dates' waistline.

Using the same concept, he then opened the 3 & 1 Club where he began booking local Latin bands such as Eddie Palmieri and Richie Ray & Bobby Cruz, among many others. This led to Mercado's first management, booking, and promotions company called Showstoppers. He promoted legendary R&B acts that included James Brown, Aretha Franklin, Gladys Knight & the Pips, the Stylistics, the Chi-lites, starting a salsa-soul music trend.

Mercado also continued to open many doors to up and coming artists. He helped to expand the Fania All-Stars, promoted dances at the Cheetah Nightclub, and presented Latin jazz at the Red Garter and, later, at the Village Gate and other downtown venues. His partnership with Jack Hooke, the late Tito Puente's longtime manager, helped create the Salsa Meets Jazz Series at the Village Gate and the Latin Jazz Jam as part of the JVC Jazz Festival.

A great judge of talent, Mercado opened RMM Management in 1972 representing Eddie

Palmieri and Ray Barretto. He went on to manage virtually every name in the industry, including its two biggest stars: Tito Puente and Celia Cruz. His concerts grew more popular and by 1987 the wildly successful ''Latin Tinge'' nights at the Palladium on New York's 14th Street were bringing 3,000 ''salseros'' to dance every Thursday night. Mercado managed these events until 1992, when he refocused his energies on the creation of a record label, RMM.

Mercado expanded his venture into numerous companies including RMM Records, RMM Filmworks, and two publishing houses. With over 140 artists signed to RMM Records, the label sold millions of recordings a year. The recipient of countless awards and proclamations, Ralph Mercado was honored with a Lifetime Achievement Tribute by Billboard Magazine in 1999.

Always an innovator, Ralph Mercado pioneered the presentation of salsa music in Africa, South America, Asia, and Israel. He was one of the first to bring Latin music concerts to such prestigious venues as Radio City Music Hall with Julio Iglesias' New York performance; Lincoln Center's Avery Fisher Hall; the Beacon Theater; and Madison Square Garden.

The truth of course is that Mercado's death this week leaves a tremendous void in the hearts of not just his family and friends but also countless Latin music fans around the world. However, his body of personal and professional work leaves a distinguished legacy whose impact can be seen not just in the industry he helped create, but also in the countless lives that his music touched. Little boys and girls can dream of singing the songs that their parents know and love thanks to Ralph's extraordinary commitment, energy and discipline .

So Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Ralph Mercado, Jr. His is an inspirational story for all Americans, one that exemplified greatness in every single way.

HONORING MAYELA ROSALES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor an exceptional businesswoman, journalist and community activist from Naples, Florida, Mayela Rosales. As Executive Vice President of Azteca America SWFL and host of the most popular Spanish language TV show in Southwest Florida, D'Latinos al Dia, Mrs. Rosales is an example of what can be achieved through hard work and dedication.

With a degree in Journalism and Communications from the University of Zulia in her native country of Venezuela and 12 years of experience in the field, she came to the U.S. 13 years ago. Since then, she has worked towards ensuring that the fast-growing Hispanic community in Southwest Florida has access to news and information through Spanish language television programming and print. In 2003, Media Vista Group, the company she owned, integrated with Media Vista Publications and now produces the D'Latinos Magazine, D'Latinos online and D'Latinos al Dia program. Mrs. Rosales is Executive Director of the monthly magazine and host of the television show, which has been the only live, Spanish language program in the area for six years and airs every weekday in more than 400,000 homes.

In 2006, Mrs. Rosales, in partnership with her husband Orlando Rosales and others, acquired local TV station WTPH 14 Azteca America Southwest Florida in Naples. The station serves as a venue for Spanish language programming and news including D'Latinos al Dia.

In addition to her business ventures and career in journalism, Mrs. Rosales is a dedicated wife to husband Orlando and mother of two boys, Gabriel and Daniel. She is also active in a number of civic and charitable organizations including the Greater Naples Chamber of Commerce, the Children's Museum of Naples, the American Heart Association, the Fifth Third Bank, the Ronald McDonald House, Hospice of Naples, Catholic Charities and Literacy Volunteers, and was the founder of the Council for Hispanic Business Professionals.

As we celebrate Women's History Month, I ask you to join me in congratulating my dear friend Mayela Rosales for her invaluable contributions to the Hispanic community and her dedication to professionalism and communicating accurate and valuable information to residents of Southwest Florida.

TRIBUTE TO THE BARTELSO BRAVES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an outstanding group of student athletes from Bartelso, Illinois.

The Bartelso Braves of Bartelso Elementary School, defeated Centralia Trinity Lutheran 49–26 to capture the Southern Illinois Junior High School Athletic Association Class S State Championship. The win followed victories in the quarterfinals over Rome and in the semifinals over Waltonville.

I want to congratulate Coach Gigi Kohrmann and Assistant Coach Abby Winkeler for all of their work with their team. I especially want to congratulate the members of the 2008–2009 Bartelso Braves state championship basketball team: Emily Koelling, April Gebke, Madison Thole, Kaitlyn Albers, Katlyn Albers, Paige Varel, Torre Kohrmann, Nicole Loepker, Noel Loepker, Jillian Menkhaus, Erin Brueggemann, Sophie Rickhoff, Elle Gebke, Chloe Beckmann and Madison Haake.

These young ladies have made our community proud, and have brought home the championship trophy to Bartelso. I wish them all the best in their future academic and athletic endeavors.

HONORING MILCA GUTIERREZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Milca Gutierrez upon being named as the Children's Miracle Network's ''California Champion Across America'' for 2009. Miss Gutierrez will be honored on Tuesday, March 17, 2009 at Children's Hospital Central California at an event to kick off the local and national public awareness program.

Milca Gutierrez, of Fresno, California, was diagnosed when she was four months old with a rare disorder called ontogenesis imperfecta, commonly known as brittle bone disease. This rare disorder affects the connective tissue and causes bones to break easily and without any apparent reason. At the age of eleven, Miss Gutierrez has been seen at Children's Hospital Central California over 180 times and has undergone over ten operations; she remains positive with her motto ''It's just a bone.''

Miss Gutierrez is a constant source of brightness and support, whether to herself or others, she has a unique ability to always help those around her. Once a year she and her family travel to their native hometown in Mexico to provide clothes, toys and stuffed animals to families in need. She is able to live an active and full life; she loves swimming, math and dreams of becoming a doctor. Her unique situation has placed her in a position to advocate for children's hospitals across the nation, serve as a ''Champion'' for the State of California and act as an ambassador for the seventeen million children who are treated at children's hospitals every year. The Children's Miracle Network sponsors a variety of events to help raise money for children's hospitals; including the Champions Across America initiative, where one child from each state is selected to serve as a champion to help highlight the importance of a children's hospitals. Miss Gutierrez, along with her fellow champions, and her family will travel to Walt Disney World to participate in the Children's Miracle Network Celebration and to Washington, D.C. to highlight the vital work of children's hospitals.

Madam Speaker, I rise today to commend and congratulate Milca Gutierrez upon her achievements and strength. I invite my colleagues to join me in wishing Miss Gutierrez many years of happiness and success.

IN HONOR OF JOHN KURKOSKY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor John Kurkosky of Annandale, Minnesota for creatively using his song-writing and singing talents to support his neighbors in need.

A self-professed ''shower singer,'' John makes a hobby out of writing and singing country, rock and gospel songs. Five years ago, he wrote a song, ''Ice Fishin' My Buddies and Me'' that gained popularity last year when it was featured on the local news story about

Minnesota ice houses. Though John has recorded about 40 songs, his tale about one of Minnesota's most popular pastimes seems to be everyone's favorite. So popular is this local song that if you Google ''Kurkosky fish house song,'' you'll get hits all over the web, including YouTube.

His CD, ''John Kurkosky: My Mixed Up Music'' sells at a shop in Annandale, Minnesota and is also available by mail. As a construction worker, John doesn't plan to quit his day job anytime soon, but since March is Food Share Month, he is using his talent to set up fundraising events in Central Minnesota for local food shelves. In addition, John already donates a portion of every CD sale to food shelves. This March campaign is the largest food drive in the state, supporting work at 260 food shelves across Minnesota.

Madam Speaker, I rise today to congratulate and honor John Kurkosky on his musical success and his charitable efforts. It is Minnesotans like John that make our communities better places to live, work and raise a family.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, March 16, 2009, I was unable to cast my votes on H.R. 987, H.R. 1217, and H.R. 1284. I was dealing with the death of a very dear friend of mine over the weekend and was visiting with his family Monday night.

Had I been present for Rollcall No. 125, on suspending the Rules and passing H.R. 987, naming the John Scott Challis, Jr. Post Office, I would have voted ''yea.''

Had I been present for Rollcall No. 126, on suspending the Rules and passing H.R. 1217, naming the Specialist Peter J. Navarro Post Office, I would have voted ''yea.''

Had I been present for Rollcall No. 127, on suspending the Rules and passing H.R. 1284, naming the Major Ed W. Freeman Post Office, I would have voted ''yea.''

TRIBUTE TO THE ALTAMONT LIONS CLUB

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an important community institution. The Altamont Lions Club in Altamont, Illinois, celebrated its 70th Anniversary on January 15 at the Immanuel Lutheran Church Parish Hall.

Since January 1939, the Altamont Lions Club has been doing good deeds in this small town in Effingham County, Illinois. Each year, the club gives two Lions Club scholarships to deserving students in the community. Through the Lions' nationwide commitment to assisting the sight-impaired, they hold candy days fundraisers to purchase large-print Readers' Digests for the local library, and donate funds to enable blind youth to attend Space Camp. This commitment has also led to the club purchasing eyeglasses for community members in need. In recent years, the Altamont Lions have sponsored youth soccer and basketball leagues, giving area children a positive opportunity for healthy recreation.

I want to congratulate Club President Jim Strange and the members of the Altamont Lions Club on 70 years of good work, and wish them all the best for the next 70 years and beyond.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105:

Department of Agriculture—Preharvest Food Safety

H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $142,000 for Preharvest Food Safety, Kansas, in the Cooperative State Research Education and Extension Service's Research and Education Activities Account. The entity to receive funding for this project is the Kansas State University, located at 1 10 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand its research in emerging threats of food-borne and zoonotic diseases associated with food-producing animals.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Karnal Bunt

H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $508,000 for Karnal Bunt, Manhattan, Kansas, in the Agriculture Research Service's Salaries and Expenses Account. The entity to receive funding for this project is the Kansas State University, located at 1 10 Anderson Hall, Manhattan, Kansas 66506.

This funding will be used to develop breeding lines of wheat that are resistant to existing and emerging diseases, including Karnal Bunt, leaf rust, and UG99 stem rust.

No matching funds are required for this Department of Agriculture project.

HONORING FLYING CROSS RECIPIENT ROBERT P. CHRISTIANSEN OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and Distinguished Flying Cross recipient, Major Robert P. Christiansen of Homosassa, Florida. His extraordinary achievement while participating in aerial combat flight during an engagement in Southeast Asia in 1968 and his service to our Nation will forever be remembered by this Congress. Mr. Christiansen bravely encountered dangerous and life-threatening events during his time in the Air Force.

Born in Philadelphia, Pennsylvania, Mr. Christiansen graduated from West Point in 1957. He bravely served our country as a fighter pilot for the next 15 years, including service in Southeast Asia. On May 1, 1968, Mr. Christiansen bravely participated in an aerial combat mission.

On that night, Mr. Christiansen and his navigator bombardier dutifully responded to an urgent call to attack a convoy of hostile vehicles in a heavily defended and strategically important area. Mr. Christiansen made three attacks and was credited with destroying five vehicles and causing two significant secondary explosions. The professional skill and personal devotion displayed by Mr. Christiansen reflect his immense commitment and sacrifice.

Madam Speaker, soldiers like Robert P. Christiansen should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to congratulate Mr. Christiansen on his long overdue Flying Cross award. His family, friends and loved ones should know that we truly consider him one of America's heroes.

THE HOME OFFICE DEDUCTION SIMPLIFICATION ACT (H.R. 1509)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MCHUGH. Madam Speaker, yesterday, March 16, 2009, the Gentleman from Oregon, Mr. SCHRADER, and I introduced legislation, H.R. 1509, the Home Office Deduction Simplification Act. This legislation, which was H.R. 6214 in the 110th Congress, is designed to reduce the complexity of the tax code and provide Americans with the ability to elect to take a standard deduction in the amount of $1,500 for home office expenses.

In 1976, Congress enacted Section 280A of the Internal Revenue Code, which as amended in 1997, provides the limited circumstances in which an individual or an S corporation may take a deduction for expenses related to an office in the home. Generally, deductions are limited to those parts of a home that are exclusively used on a regular basis as a principal place of business or to meet with patients, clients, or customers.

As a result of technological advancements and other significant changes in our economy over the past 40 years, many more small businesses are now able to effectively operate out of the home. Not surprisingly, there has been a growth in the use of home offices; according to the Internal Revenue Service (IRS), the home office deduction was taken on 3.3 million self-employed business returns in tax year 2006, an increase of 700,000 from tax year 2002.

Nonetheless, the IRS reports that ''a substantial number of taxpayers with home office expenses are not claiming them on tax returns.'' According to the IRS, the deduction might be underutilized because ''understanding and complying with the rules for deducting home office expenses can be difficult for small business and self-employed taxpayers.'' This is borne out by an IRS analysis that found almost half of the taxpayers claiming a home office deduction made errors.

Small businesses are unquestionably the backbone of our nation's economy. In fact,

some 27 million American small businesses represent more than 99 percent of all employers, provide 51% of private sector employment and 45% of its payroll, and produce approximately 50% of the nation's private, nonfarm GDP. I could not overstate the importance of the nearly 66,000 small businesses I have the privilege of representing to the economy of Northern and Central New York.

The importance of this measure to small businesses is evident by the fact that it is supported by a coalition that includes the Alliance of Visual Artists, American Homeowners Grassroots Alliance, Associated Builders & Contractors (ABC), Association for Enterprise Opportunity (AEO), National Association for the Self-Employed (NASE), National Federation of Independent Business (NFIB), National Small Business Association (NSBA), Professional Photographers of America, Small Business & Entrepreneurship Council, Small Business Legislative Council (SBLC), and Women Impacting Public Policy (WIPP). The Home Office Deduction Simplification Act is also supported by the SBA Office of Advocacy.

Given the importance of small businesses to our economy, it is imperative that Congress act when presented with opportunities to reduce or remove costly regulatory burdens. The current home office deduction presents such an opportunity, which Congress can reduce, by enacting the Home Office Deduction Simplification Act. Accordingly, I ask my colleagues to join with Mr. SCHRADER and me to enact this important measure.

HONORING ST. PATRICK'S DAY AND THE INDY SPORTS FOUNDATION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise in recognition of Saint Patrick, the patron saint of Ireland. As we celebrate St. Patrick's Day, I would like to honor the Indy Sports Foundation for their continued dedication in civic engagement and preservation of the rich Irish heritage in Indianapolis, Indiana.

The Indy Sports Foundation has done an excellent job of hosting the Annual Indianapolis St. Patrick's Day Parade and Celebration along with the Annual Shamrock Run/Walk. With nearly 2,000 participants and over 20,000 spectators, the Indy Sports Foundation celebrates the vibrant Irish culture and Irish contributions to American society.

For the past 25 years, the Indy Sports Foundation has played an invaluable role in our community to promote athletics and youth engagement They have sponsored events such as the Special Olympic Camps, summer programs for disabled children, and provided mentorship for children from disadvantaged backgrounds.

Each year, the Indy Sports Foundation recognizes an outstanding individual who's dynamic and selfless contributions have impacted the public good. I would like to congratulate Pat Cronin, the first female to be named ''Indianapolis Irish Citizen of the Year.'' I thank her for her service to the Irish community and her ceaseless efforts to advance the philanthropic mission of the Indy Sports Foundation.

I urge my colleagues to join me this St Patrick's Day in recognizing the Indy Sports Foundation for their ongoing involvement in the Greater Indianapolis community.

INTRODUCTION OF LOWER BRULE AND CROW CREEK TRIBAL COMPENSATION ACT

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. HERSETH SANDLIN. Madam Speaker, today I am pleased to reintroduce the Lower Brule and Crow Creek Tribal Compensation Act. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe reservations border on the Missouri River in central South Dakota and are connected by the Big Bend Dam. The 1944 Flood Control Act flooded and devalued tribal lands. The flooding also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam.

Regrettably, the compensation amounts varied between separate but similarly-situated tribes along the Missouri River. The result was unfair and inadequate compensation trust funds for Lower Brule and Crow Creek, and therefore, Congress should revisit the compensation levels provided to these tribes in the 1990s. This act is designed to create consistency among the affected tribes and to bring some long-overdue closure to the people of Lower Brule and Crow Creek.

Compensation for these tribes would give the tribes the tools they need for economic recovery in the face of lasting impacts from the 1944 Flood Control Act. This compensation would enable the tribe to improve their community facilities and fix their roads. It would mean better health care and newer schools. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I am hopeful that the House will move quickly in the 111th Congress to advance this important legislation. An earlier version of this bill was reported by the Senate Committee on Indian Affairs in the 108th Congress and ultimately passed the Senate. In the 109th Congress it was amended in the Senate after further hearings and then reported. In the 110th Congress, the Committee on Natural Resources Water and Power Subcommittee held a legislative hearing on an identical bill.

In closing, I respectfully ask my colleagues to support the Lower Brule and Crow Creek Tribal Compensation Act and work with me to enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes.

INTRODUCTION OF THE PATHWAY FOR BIOSIMILARS ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. ESHOO. Madam Speaker, the field of biotechnology is the future of medicine. Scientists and doctors are just beginning to scratch the surface of the potential to harness the extraordinary power of biology and the astounding natural processes which occur in the human body, in animals, and in other living organisms to advance breakthrough medical discoveries and treatments. While ordinary pharmaceuticals primarily treat the symptoms of a disease or illness, biotechnology products—''biologics''—can be manipulated to target the underlying mechanisms and pathways of a disease.

Through the study of biotechnology, the potential exists to develop effective treatments for cancer and AIDS, many of which are already saving lives. We will cure diabetes. We will prevent the onset of deadly and debilitating diseases such as Alzheimer's, heart disease, Parkinson's, multiple sclerosis and arthritis. We will save millions of lives and improve countless more.

The development of biologics is expensive and extremely risky. Bringing a biologic to market can require hundreds of millions of dollars in research and development costs and can take several years. For every successful biologic, there are another 10 or 20 that do not pan out, making the incentives for investment in this field extremely sensitive for any changes in the regulatory structure for biologics.

In 1984 the highly successful Hatch-Waxman Act was enacted, establishing a new market for generic versions of pharmaceuticals. Today, patients can buy generic drugs that are safe and save them money compared with brand name drugs. The Pathway for Biosimilars Act will accomplish the same thing for biologics.

In the relatively young industry of biotechnology, many of the original patents on biologics are beginning to expire and it's appropriate for Congress to consider how ''follow-on'' biologics or ''biosimilars'' are considered and approved by the FDA, and the impact these products will have on patient health and safety, health care costs, and incentives for innovation.

As a primary matter, it's important to recognize that traditional ''small-molecule'' pharmaceuticals and biologics are fundamentally different in their development, their manufacture and their chemical makeup. A traditional small-molecule drug is manufactured through synthesis of chemical ingredients in an ordered process, and the resulting product can be easily identified through laboratory analysis. A biologic is a large, complex molecule, which is ''grown'' in living systems such as a microorganism, a plant or animal cell. The resulting protein is unique to the cell lines and specific process used to produce it, and even slight differences in the manufacturing of a biologic can alter its nature. As a result, biologics are difficult, sometimes impossible to

characterize, and laboratory analysis of the finished product is insufficient to ensure its safety and efficacy.

The pharmaceutical drug production process is easily replicated and a ''generic'' drug product is virtually identical to the original innovative product, so generic drug manufacturers are permitted to reference the original testing data submitted by the innovator companies when the original drug is submitted to the FDA for approval. With biologics, the manufacturing process is unique to each biologic and is not generally disclosed as part of the published patent. A biosimilar manufacturer would have to have intimate knowledge of these proprietary processes in order to ''duplicate'' the biologic product, and even then it is extremely difficult—no two living cell lines are identical, so no two biologics manufacturing processes have identical starting materials or proceed in the same way.

It's also important to note that because biologics are produced with cells from living organisms, many of them can cause an immune reaction which is normally benign and does not affect safety. However, some of these reactions can negate the effectiveness of the biologic or even cause side effects that are more dangerous. Most of these reactions can only be observed through clinical trials with real patients.

Any expedited regulatory pathway for biosimilars must account for all these factors and I'm proud to join with Congressman JAY INSLEE and the Ranking Member of the Energy and Commerce Committee, Rep. JOE BARTON, to introduce the Pathway for Biologics Act. Our bill builds on the significant progress the Senate, led by Senators KENNEDY and ENZI, already made during the last Congress, as well as the significant level of consensus we have heard on our Committee about this issue. The Pathway for Biologics Act will establish a new statutory pathway for biosimilars guided by three principles:

1. Legislation to facilitate the development of biosimilars should promote competition and lower prices, but patient safety, efficacy and sound science must be paramount.

2. We must preserve incentives for innovation and ensure that patients will continue to benefit from the ground-breaking treatments biotechnology alone can bring.

3. We must strive to protect the rights of all parties and resolve disputes over patents in a timely and efficient manner that does not delay market entry and provides certainty to all parties.

The regulatory pathway set forth in the Pathway for Biologics Act embodies each of these principles and sets forth a sensible, scientifically sound process for approval of biosimilars. The legislation allows for input from all interested parties and provides FDA appropriate flexibility to protect patient health by requesting analytical, animal and clinical studies to demonstrate the safety, purity and potency of a biosimilar. The FDA will be empowered to require the tests and data it deems necessary, but the results of clinical testing for immunogenicity will always be required as part of this data unless the FDA has published final guidance documents advising that such a determination is feasible in the current state of science absent clinical data and explaining the data that will be required to support such a determination. Since biologics are derived from human and animal products, immune reactions are a major concern for any new biologic product and are now impossible to detect without actual human testing.

Our legislation also addresses the important issue of interchangeability of biosimilars for the reference product. Some legislative proposals would allow the FDA to permit pharmacists and insurers to substitute a biosimilar for a physician's prescription for an innovator biologic product even when they cannot be demonstrated to be identical in their composition or effectiveness. Interchangeability of generic pharmaceuticals for brand name drugs is entirely appropriate since traditional generic drugs are chemically identical to the reference product. However, if the state of science is such that a complex molecule cannot be fully characterized and a precursor biologic cannot be adequately compared to a proposed biosimilar, then the biosimilar should not be fully substitutable for the precursor product without a physician's direction. The Pathway for Biologics Act makes it clear that the FDA cannot make a determination that a biosimilar is interchangeable with a reference product until it has published final guidance documents advising that it is feasible in the current state of scientific knowledge to make such determinations with respect to the relevant product class and explaining the data that will be required to support such a determination. This requirement is consistent with the recommendations of the Chief Scientist of the FDA.

An essential element of any new regulatory scheme for the biotech industry is a careful balancing of incentives for innovation and opportunities for new entry by competitors. To preserve incentives for innovation, the Pathway for Biologics Act provides 12 years of data exclusivity for new biologic products, which ensures that biosimilar applications that rely on the safety and efficacy record of existing biologic products will not be permitted to enter the market for 12 years following the approval of the innovator product. The 12-year exclusivity period is meant to preserve existing protections biotech companies receive from patents. The Congressional Budget Office has found that the effective patent life for pharmaceuticals is about 11.5 years, so a data exclusivity period of 12 years is consistent with that finding. Data exclusivity is necessary to provide additional protections and incentives for biologics because biosimilars—unlike generic drugs—will not be chemically identical to the reference product and will be less likely to infringe the patents of the innovator.

The legislation also includes incentives for additional indications and pediatric testing. New indications are critical for biologics and are often more significant than the indications for which approval was granted. Incentives for continued testing on new indications must be included to promote access to new treatments and cures, and this bill provides an additional two years exclusivity for new indications. I also believe it's important to provide incentives similar to those given traditional pharmaceuticals under the Best Pharmaceuticals for Children Act to biologics, so the legislation provides an additional six months of data exclusivity for testing for use in pediatric groups.

In order to protect the rights of all parties and ensure that all patent disputes involving a biosimilar are resolved before the expiration of the data exclusivity period, the Pathway for Biosimilars Act establishes a simple, streamlined patent resolution process. This process would take place within a short window of time—roughly 6–8 months after the biosimilar application has been filed with the FDA. It will help ensure that litigation surrounding relevant patents will be resolved expeditiously and prior to the launch of the biosimilar product, providing certainty to the applicant, the reference product manufacturer, and the public at large. The legislation also preserves the ability of third-party patent holders such as universities and medical centers to defend their patents.

Once a biosimilar application is accepted by the FDA, the agency will publish a notice identifying the reference product and a designated agent for the biosimilar applicant. After an exchange of information to identify the relevant patents at issue, the applicant can decide to challenge any patent's validity or applicability. All information exchanged as part of this procedure must be maintained in strict confidence and used solely for the purpose of identifying patents relevant to the biosimilar product. The patent owner will then have two months to decide whether to enforce the patent. If the patent owner's case is successful in court, the final approval of the application will be deferred until the patent expires.

Madam Speaker, I believe the Pathway for Biosimilars Act sets forth a straightforward, scientifically based process for expedited approval of new biologics based on innovative products already on the market. This new biosimilars approval pathway will promote competition and lower prices, but also ensure that patients are given safe and effective treatments that have been subjected to thorough scrutiny and testing by the FDA. The Pathway for Biosimilars Act will also protect the rights of patent holders and preserve incentives for innovation in the biotechnology sector to develop the next generation of life-saving, life-changing therapies.

I strongly urge my colleagues to support the Pathway for Biosimilars Act.

TRIBUTE TO HARRISBURG JUNIOR BULLDOGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a championship team from Harrisburg, Illinois.

On February 18, the Harrisburg Junior Bulldogs beat previously-undefeated Carlyle 52–43 to clinch the 2009 Southern Illinois Junior High School Athletic Association Class L state championship. Finishing with a record of 26–1, the Junior Bulldogs gave Harrisburg Middle School its first state championship in boys basketball.

Facing a strong, talented opponent, the Junior Bulldogs stayed cool under pressure, held off a late rally and then came from behind to seal the win. This year's team exemplifies teamwork. As Coach Kevin Dowdy told the local newspaper, ''Everyone had their part.''

I want to congratulate Coach Dowdy and his assistant coach, Marcus Questelle, on their fine work with this group of student athletes. I also want to extend my congratulations to the members of the 2008–2009 Harrisburg Junior Bulldogs state championship boys basketball team: Tyler Smithpeters, Capel Henshaw,

Ryne Roper, Brian Berkel, Caleb Bailey, Justin Younger, Cody Hall, Isaac Ingram, Caleb Bartok, Gabe Oglesby, Phillip West, Brandon Pate and Chris Wilsey.

This outstanding group of young men represented themselves, their school, families and community in a first-rate fashion. It is my privilege to congratulate them on a job well done.

INTRODUCTION OF THE PRESERVATION OF ANTIBIOTICS FOR MEDICAL TREATMENT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to reintroduce legislation that is critically important in preventing our current stock of antibiotics from becoming obsolete. As a mother, grandmother, and microbiologist, I cannot stress the urgency of this problem enough.

Two million Americans acquire bacterial infections during their hospital stay every year, and 70 percent of their infections will be resistant to the drugs commonly used to treat them. As a result, every day thirty-eight patients in our hospitals will die of those infections.

Sadly, children and infants are particularly susceptible to infections caused by antibiotic resistant bacteria. For example, Salmonella causes 1.4 million illnesses every year. Over one-third of all diagnoses occur in children under the age of 10. Infants under the age of one are 10 times more likely than the general population to acquire a Salmonella infection. In 1995, 19 percent of Salmonella strains were found to be multi-drug resistant. That means that our children are left to undergo multiple treatments for otherwise simple infections because we have allowed traditional treatments to become ineffective.

And the cost to our already strained health care system is astronomical. In fact, resistant bacterial infections increase health care costs by $4 billion to $5 billion each year.

Currently, seven classes of antibiotics certified by the Food and Drug Administration (FDA) as ''highly'' or ''critically'' important in human medicine are used in agriculture as animal feed additives. Among them are penicillin, tetracyclines, macrolides, lincosamides, streptogramins, aminoglycosides, and sulfonamides. These classes of antibiotics are among the most critically important in our arsenal of defense against potentially fatal human diseases.

Penicillins, for example, are used to treat infections ranging from strep throat to meningitis. Macrolides and Sulfonamides are used to prevent secondary infections in patients with AIDS and to treat pneumonia in HIV-infected patients. Tetracyclines are used to treat people potentially exposed to anthrax.

Despite their importance in human medicine, these drugs are added to animal feed as growth promotants and for routine disease prevention. Approximately 70 percent of antibiotics and related drugs produced in the U.S. are given to cattle, pigs, and chicken to promote growth and to compensate for crowded, unsanitary, stressful conditions. The nontherapeutic use of antibiotics in poultry skyrocketed from 2 million pounds in 1985 to 10.5 million pounds in the late 1990s.

This kind of habitual, nontherapuetic use of antibiotics has been conclusively linked to a growing number of incidents of antimicrobial-resistant infections in humans, and may be contaminating ground water with resistant bacteria in rural areas. In fact, a National Academy of Sciences report states that, ''a decrease in antimicrobial use in human medicine alone will have little effect on the current situation. Substantial efforts must be made to decrease inappropriate overuse in animals and agriculture as well.''

Resistant bacteria can be transferred from animals to humans in several ways. Antibiotic resistant bacteria can be found in the meat and poultry that we purchase in the grocery store. In fact, a New England Journal of Medicine study conducted in Washington, DC found that 20 percent of the meat sampled was contaminated with Salmonella and 84 percent of those bacteria were resistant to antibiotics used in human medicine and animal agriculture. Bacteria can also be transferred from animals to humans via workers in the livestock industry who handle animals, feed, and manure. Farmers may then transfer the bacteria on to their family. A third method is via the environment. Nearly 2 trillion pounds of manure generated in the U.S. annually contaminate our groundwater, surface water, and soil. Because this manure contains resistant bacteria, the resistant bacteria can then be passed on to humans that come in contact with the water sources or soil.

And the problem has been well documented.

A 2002 analysis of more than 500 scientific articles and published in the journal Clinical Infectious Diseases found that ''many lines of evidence link antimicrobial resistant human infections to foodborne pathogens of animal origin.''

The Institute of Medicine's 2003 report on Microbial Threats to Health concluded ''Clearly, a decrease in the inappropriate use of antimicrobials in human medicine alone is not enough. Substantial efforts must be made to decrease inappropriate overuse in animals and agriculture as well.''

As the impact of MRSA continues to unfold, there is little doubt that antibiotic resistant diseases are a growing public health menace demanding a high priority response. Despite increased attention to the issue, the response has been inadequate. Part of the problem has been the FDA's failure to adequately address the effect of the misuse of animal antibiotics on the efficacy of human drugs.

Although the FDA could withdraw its approval for these antibiotics, its record of reviewing currently approved drugs under existing procedures indicates that it would take nearly a century to get these medically important antibiotics out of the feed given to food producing animals. In October 2000, for example, the FDA began consideration of a proposal to withdraw its approval for the therapeutic use of fluoroquinolones in poultry. The review, and eventual withdraw of approval, took five years to complete. Under its regulations, the FDA must review each class of antibiotics separately.

The legislation I am reintroducing today, the Preservation of Antibiotics for Medical Treatment Act, would phase out the use of the seven classes of medically significant antibiotics that are currently approved for nontherapeutic use in animal agriculture. Make no mistake, this bill would in no way infringe upon the use of these drugs to treat a sick animal. It simply proscribes their nontherapuetic use.

Madam Speaker, when we go to the grocery store to pick up dinner, we should be able to buy our food without worrying that eating it will expose our family to potentially deadly bacteria that will no longer respond to our medial treatments. Unless we act now, we will unwittingly be permitting animals to serve as incubators for resistant bacteria.

It is time for Congress to stand with scientists, the World Health Organization, the American Medical Association, and the National Academy of Sciences and do something to address the spread of resistant bacteria. We cannot afford for our medicines to become obsolete.

I urge my colleagues to support the Preservation of Antibiotics for Medical Treatment Act to protect the integrity of our antibiotics and the health of American families.

TRIBUTE TO TRINITY EPISCOPAL CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an important community institution in Mt. Vernon, Illinois.

In February, Trinity Episcopal Church celebrated its 100th anniversary. Since the first service was held at 1100 Harrison Street in Mt. Vernon on January 3, 1909, thousands of people have visited Trinity Episcopal to worship with their neighbors. Generations of families in Mt. Vernon and Jefferson County have been welcomed into the congregation.

Today, Trinity Episcopal is an important part of the spiritual fabric of the community and serves as a good neighbor to families in need throughout the area. Through a century of the congregation's generosity, many have found a helping hand, warm embrace, and comfort in times of despair.

I want to congratulate Father Gene Tucker of Trinity Episcopal, all members of the congregation, and the extended Trinity Episcopal family on 100 years of service and thank them for the important role they play in our community.

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

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CALVERT. Madam Speaker, just over 5 years ago, two engineering marvels—the Mars

Exploration Rovers Spirit and Opportunity—captured the imagination of the American public and the world when they landed on Mars to begin a 3 month-long NASA mission. The mission objective was to search for signs that water may have been present for long periods of time—signs that could tell us whether the Red Planet had been hospitable to life in the past. Within the first several months of the Mars mission, the NASA Web site experienced over a billion site visits. The Mars Exploration Rovers have been a wildly successful mission, with more than 13 miles of harsh Martian terrain traversed and over a quarter million awe-inspiring images from the Martian surface captured, in addition to many thousands of scientific spectra that lends to our study of Mars.

Spirit and Opportunity have made many important discoveries over the last 5 years. One of the most significant discoveries was evidence of water and geological information that supports an understanding that ancient Martian environments included periods of wet, possibly habitable conditions.

I wholeheartedly support H. Res. 67, the resolution offered by my friends and colleagues from southern California, Mr. SCHIFF and Mr. DREIER to honor NASA, their team from the Jet Propulsion Laboratory, and Cornell University on 5 years of great engineering and scientific discovery.

TRIBUTE TO Y-YARD AUTO AND TRUCK, INC.

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to Y-Yard Auto and Truck, Inc. of Effingham, Illinois.

Y-Yard Auto and Truck, Inc. was awarded the Automotive Recyclers Association CAR Star award in recognition of their commitment to environmental stewardship in the automotive recycling industry.

I would like to congratulate Y-Yard Auto and Truck, Inc. for this achievement, earned by upholding the highest in standards of environmental consciousness, safety, and customer service setting a leading example in their industry and community.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 125, on motion to suspend the rules and pass H.R. 987, the John Scott Challis, Jr. Post Office Designation Act, I would have voted ''aye.''

Rollcall vote 126, on motion to suspend the rules and pass H.R. 1217, the Specialist Peter J. Navarro Post Office Building Designation Act, I would have voted ''aye.''

Rollcall vote 127, on motion to suspend the rules and pass H.R. 1284, the Major Ed W. Freeman Post Office Designation Act, I would have voted ''aye.''

TRIBUTE TO MAJOR GENERAL ROBERT E. DUIGNAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California and to the United States of America are exceptional. This country has been fortunate to have dedicated, honorable, and steadfast leaders who willingly and unselfishly give their time and talent to make our communities better places to live and work. General Robert E. Duignan of the United States Air Force is one of these individuals and today I thank him for 36 years of service to our great nation. On Sunday, January 25, 2009, General Duignan was honored with a retirement celebration at March Air Reserve Base in Riverside, California.

General Duignan took his first plane ride at the age of 13, traveling from Seattle to New York, and from that moment he knew that he wanted to fly airplanes. He attended the University of Washington on an ROTC scholarship and earned a bachelor's degree in business. He entered the Air Force during the Vietnam War, a time when it was not popular to be in the military, and he experienced firsthand the objection to the war on his college campus. However, he never changed course and after graduation he spent 14 years at Travis Air Force Base, flying C–141 cargo planes on missions across the world, sometimes to pick up a single wounded soldier.

In 1989, General Duignan was promoted to Deputy Commander of Operations for the 459th Military Airlift Wing. While serving in this post, General Duignan witnessed the September 11, 2001, attack on the Pentagon and focused his efforts on the Global War on Terror as the Director of Plans and Programs at Headquarters AFRC. After two years, he returned to March Air Reserve Base and has worked tirelessly in support of the wars in Iraq and Afghanistan. As the Commander of the 4th Air Force he has supervised the Reserve's long-range airlift and air refueling units located throughout the continental United States, Hawaii and Guam. It is also important to note that during his career, he has accumulated more than 5,000 flying hours as a pilot flying the C–141, C–5, T–38 and T–37 aircrafts.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like General Robert Duignan, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Today I offer my gratitude for the decades of service and I salute Major General Robert Duignan as he retires from the United States Air Force.

FAIR TAX

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to highlight a unique and innovative economic stimulus proposal that doesn't rely on large amounts of government spending, borrowing from foreign governments, or rebate checks. Instead, the Fair Tax would be a permanent economic stimulus that would have none of the transparency issues of conventional spending, or of the current tax code under the IRS. As a co-sponsor of H.R. 25, the Fair Tax Act, I believe that simplification of the 45,000 page tax code will empower the American people through returning their earned spending power to them, and by reducing government spending.

The Fair Tax replaces all federal income and payroll based taxes with a progressive national retail sales tax, a prebate to ensure no American pays federal taxes on spending up to the poverty level, dollar-for-dollar federal revenue neutrality, and, through companion legislation, the repeal of the 16th Amendment. It abolishes all federal personal and corporate income taxes, gift, estate, capital gains, alternative minimum, Social Security, Medicare, and self-employment taxes and replaces them with one simple, visible, federal retail sales tax administered primarily by existing state sales tax authorities.

As April 15th approaches, imagine this: no tax forms to wade through, no worries about deductions, withholding, or underpayment, and no payroll tax. Instead you, just like every American, would have more take-home income that could be put towards things like mortgage bills, thereby addressing one of the root causes of this economic crisis.

I hope that in the future we will consider such innovative proposals as the Fair Tax, and I thank my colleagues Rep. JOHN LINDER from Georgia who has done so much to publicize the idea of the Fair Tax, and Rep. STEVE KING of Iowa who called this Special Order.

Madam Speaker, we can do something better than haphazard spending to get us out of this economic mess. We can simplify a tax code that destroys wealth, and replace it with one that lets Americans keep their entire paycheck. It's time for new solutions, and not more of the old tax and spend.

HONORING THE KNIGHTS OF PETER CLAVER, INC. AND THE CENTENNIAL OF THEIR FOUNDING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of the 100th anniversary of the Knights of Peter Claver, Inc. and to celebrate this group's century of dedication to God, Church, and Community through Charity.

In November of 1909, a group of forty African American men became the first initiates of a Catholic fraternal order called the Knights of

Peter Claver. This group was founded in Mobile, Alabama with the aim of creating a Catholic fraternal society for men who were traditionally not able to belong to such organizations. Today, the Knights of Peter Claver, Inc. has over 18,000 members, is active in over thirty states, and includes divisions for men, women and children. In my home state of Texas, this group is particularly active and has been involved with numerous community outreach programs throughout the state.

The Knights of Peter Claver and other such organizations have made incredible contributions to society. Throughout its history, this group has supported community efforts, scholarship and various charitable programs. Additionally, during times of strife for the African American Community, the Knights of Peter Claver supported non-violent actions to fight many social injustices.

This August, The Knights of Peter Claver, Inc. will celebrate the centennial of their society at their 94th National Convention in New Orleans, Louisiana. I ask my fellow Members of Congress to join me in honoring this group and to celebrate their hundred years of dedication to God and service to community.

CONGRATULATIONS TO ROBERT HALE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Robert Hale, for his outstanding service to the community on the occasion of his retirement.

On behalf of the people of Ohio's Seventh Congressional District, I am honored to congratulate Robert Hale on being recognized by the Filipino-American community, his business associates and employees, and his family upon his recent retirement.

His dedicated service to the citizens of Dayton and the Filipino-American community is both admirable and commendable. Hale spent the last 25 years working at Dayton Mailing Service, Inc., a company he founded in 1984. He recently retired and his daughter has taken over daily operations of the company.

Robert has been an avid supporter of the Philippine-American Society of Greater Dayton, the Association of Philippine Physicians of Greater Dayton, Filipino-American Ladies Organization of Dayton and the former Philippine Folk Arts Society. Hale is a member of the Optimist Club and joined the Peace Corps in 1962.

He has been a driving force within the business and Filipino-American communities in the Dayton area and has earned the respect and admiration of all those with whom he has served and the gratitude of the people that have come to know him.

The people of Ohio's Seventh Congressional District and I extend best wishes upon retirement and ongoing success in all endeavors.

THE INTRODUCTION OF THE EVERY STUDENT COUNTS ACT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce the ''Every Student Counts Act,'' legislation that will prioritize graduation of all of our Nation's high school students. My friend, Senator TOM HARKIN, the Senator from Iowa, is also introducing this legislation in the Senate.

Madam Speaker, as you know in 2001, The No Child Left Behind Act passed with broad bipartisan support. The purpose of No Child Left Behind was to ensure that every student in America would receive a quality education. However, over the past eight years, NCLB has not lived up to its promises. Certain aspects of the law are difficult to implement and are not bringing about the results we thought it would. One of the major shortcomings of NCLB is its failure to hold schools accountable for dropouts. Although we believed we addressed this issue in the original NCLB legislation, this portion of the law has not been implemented as we had hoped. Instead, under current law, the only meaningful accountability standard for high schools is students' scores on standardized tests, with virtually no concern given to how many students graduate or drop out of school. Unfortunately, this myopic accountability standard has created an incentive for high schools to push out students who are struggling academically, so that their test scores are not counted in the assessments. Furthermore, the current accountability system also has allowed States to report graduation rates inconsistently and in misleading ways. Finally, NCLB does not require the disaggregation of graduation rates by subgroup, leading to incomplete data on how our schools are doing with one subgroup compared to others.

What is clear is the fact that the current high school accountability system is failing both our students and our Nation. Each year, about 1.23 million secondary school students, approximately one-third of all secondary school students, fail to graduate with their peers. In addition, nearly 2,000 secondary schools—roughly 12 percent of all secondary schools in the United States—produce about half of the Nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen three years earlier. And almost half of the Nation's African-American students and nearly 40 percent of Latino students attend these so called ''dropout factories,'' while only 11 percent of white students do.

In Virginia last year, nearly 30,000 students did not graduate from high school with their peers. But the numbers are worse for minorities—only about 50 percent of African American students and 60 percent of Hispanic students graduate on time with a regular diploma, compared to 75 percent of whites.

These numbers are just the tip of the iceberg. Research shows that the lifetime earnings difference between a high school dropout and a high school graduate is about $260,000. This loss in potential earnings of a dropout can cause serious hardships throughout their lifetime. We cannot sit back and allow this problem to escalate, or our inaction will create a generation of lower and stagnant earnings and a poorer quality of life. We must reverse this trend and hold schools accountable for graduation rates and dropouts, so all students are graduating with a high school diploma and improving their outcomes in life.

Additionally, reducing dropouts improves America's position in both the global economy and workforce. Attaining a high school diploma is the first step in becoming a member of the educated workforce. Having unprepared workers sets us back considerably, diminishing our role as a global leader in the economy. The major competitive advantage America has in the global economy is an educated workforce. Yet, with an estimated 3.5 million Americans ages 16 to 25 who do not have a high school diploma and are not enrolled in school, we are slowly losing this advantage. Because of the need for well-educated workers to keep our country competitive, we can't allow—or afford—our Nation's high school students to dropout and not reach their full potential.

Until recently, federal policy did not place nearly enough importance on graduating the Nation's high school students. The regulations released by the Department of Education in October 2008 did much to correct the lack of attention to graduation rates in the federal accountability system: they require a uniform graduation rate calculation and improvement in graduation rates over time. Though these regulations are a laudable step in the right direction, they do not go far enough in setting consistent, high graduation rate goals and aggressive, attainable graduation rate growth targets. Without clear guidance and meaningful accountability, most secondary schools can continue to achieve Adequate Yearly Progress, AYP, by making negligible annual improvement in graduation rates and can do so with a consistent, or even growing, graduation gap.

The Every Student Counts Act will bring meaningful accountability to America's high schools by requiring a consistent and accurate calculation of graduation rates across all fifty states to ensure comparability and transparency. The legislation builds on the National Governors Association's Graduation Rate Compact, which was signed by all 50 of the Nation's governors in 2005. Under the Every Student Counts Act, graduation rates and test scores are treated equally in AYP determinations. Moreover, the Every Student Counts Act would require high schools to have aggressive, attainable and uniform annual growth requirements as part of AYP. This will ensure consistent increases to graduation rates for all students by meeting annual, research-based benchmarks with the long-term goal of reaching a 90 percent graduation rate. The bill would also require the disaggregation of graduation data by subgroup to make certain that schools are held accountable for increasing the graduation rate for all of our students and require that school improvement activities focus on closing any achievement gaps.

Recognizing that some small numbers of students take longer than four years to graduate, the bill will give credit to schools, school districts and states for graduating these students while maintaining the primacy of graduating the great preponderance of all students in four years. The Every Student Counts Act will provide incentives for schools, districts and states to create programs to serve students

who have already dropped out and are overage or under credited. Some credit has to be given to those who get a GED and also those who take more than one or two years and maybe even three years longer than others to graduate. If no credit is given, the school system has no incentive to continue these important programs.

In order to truly ensure that all children have access to a quality education, it is imperative that we take steps to immediately end America's dropout crisis. We must ensure not only that graduation rates increase, but that earning a high school diploma is a meaningful accomplishment. We must use the indicators of student achievement and graduation to know which high schools are doing their job. Those who are must be recognized and supported. Those that are not must be rehabilitated with targeted interventions, whole school reform, or replacement strategies to ensure the standard of accountability with graduation rates and standardized tests are met.

Making sure accountability with graduation rates and standardized testing are met, Virginia's education leaders and the Virginia State Board of Education recently became the first state to give equal consideration to dropout rates and standardized tests when judging AYP. The new standard in Virginia will take effect with the start of the 2011–2012 school years. It also sets an 85 percent graduation rate, well above the dreadful benchmark of 61 percent set for Virginia under the No Child Left Behind Act.

It is my hope that with the Every Student Counts Act, we can make greater strides nationally toward graduating more of America's students and preparing them to succeed in college, the workplace and in life. So, I ask my colleagues to join me in passing this bill and seeing to it that it is quickly enacted into law to ensure, at a minimum, every child becomes a high school graduate.

H.R. 1106, THE HELPING FAMILIES SAVE THEIR HOMES ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. KAPTUR. Madam Speaker, the bill before us is far from perfect. Though it will help some homeowners who are facing foreclosure, this bill requires asking a few additional questions.

Why would Congress want to pass a bill that uses bankruptcy as the first option to resolve only some loans, and not all loans, as opposed to invoking the full power of the FDIC and SEC to handle all loans?

This legislation will "protect mortgage services from legal liability." Why would we do this at the same time as we are sending individual homeowners to the bankruptcy gallows?

Why would we pass a bill that eliminates the government's share of any appreciation in the home's value at sale?

Madam Speaker, these are some of the questions for which this bill does not provide answers to those critical questions.

Most of all, this bill continues to reinforce the seriously flawed mortgage securitization approach to the U.S. housing market. The overarching concentration and securitization of the housing mortgage market by Wall Street bond houses and money center banks are continued in the bill rather than replaced by an approach that restores prudent Main Street lending practices again.

Our housing finance system is far too concentrated. Its system-wide imprudent practices centered in the securitization process, itself, have done enormous damage domestically and internationally and have ripped neighborhoods and communities apart across our Nation.

Responsible lending requires that our financial system re-empower the local banking, local underwriting and local mortgage markets first. This bill merely rewards the wrongdoers by letting them fall in the government basket of FHA, FNMA, and Freddie Mac.

A real reform plan should be the foundation stone that precedes any legislation that proposes to transfer hundreds of billions of dollars more to the very money center banks and servicing companies that have produced the chaos that ails our mortgage lending system today. Reform must come first, not last. No matter how well-intentioned any housing bill is, there must be a broader policy context in which it is advanced.

In sum, this plan does not do enough to address the fundamental cause of the financial crisis—widespread and overuse of concentrated securitization practices, mortgage and appraisal fraud, and the seize up of credit markets due to improper use of federal instrumentalities in attempting to resolve the situation.

This bill nips at the edges of a very troubled system, picks up some of the casualties, and lets the Titanic continue to chug toward some iceberg.

Our citizens deserve full justice, not continuing reliance on the very institutions that brought us to this fork in the road.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, H.R. 1388, THE GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MILLER of California. Madam Speaker, I insert into the RECORD the Cost Estimate from the Congressional Budget Office on H.R. 1388, the Generations Invigorating Volunteerism and Education Act.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 2009.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1388, the Generations Invigorating Volunteerism and Education Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1388—Generations Invigorating Volunteerism and Education Act

Summary: H.R. 1388 would amend and reauthorize programs established under the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA).

Assuming appropriation of the estimated amounts, CBO estimates that implementing the bill would cost $481 million in 2010 and about $6 billion over the 2010–2014 period. Enacting the bill would not affect direct spending or receipts.

H.R. 1388 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 1388 contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1388 is shown in the following table. The costs of this legislation fall within budget function 500 (education, employment, training, and social services).

	By fiscal year, in millions of dollars—						
	2009	2010	2011	2012	2013	2014	2009–2014
SPENDING SUBJECT TO APPROPRIATION							
NCSA and DVSA Spending Under Current Law:							
Budget Authority[a]	1,084	0	0	0	0	0	1,084
Estimated Outlays	927	688	359	177	89	58	2,299
Proposed Changes:							
Estimated Authorization Level	0	1,312	1,580	1,860	2,151	2,454	9,356
Estimated Outlays	0	481	951	1,249	1,515	1,785	5,980
Spending Under H.R. 1388:							
Estimated Authorization Level[a]	1,084	1,340	1,611	1,894	2,189	2,496	10,440
Estimated Outlays	927	1,169	1,310	1,426	1,604	1,844	8,279

Note: NCSA = National and Community Service Act; DVSA = Domestic Volunteer Service Act.
[a] The 2009 level is the amount appropriated for that year for NCSA and DVSA programs.

Basis of estimate: For some programs, the bill would authorize the appropriation of specified amounts for fiscal year 2010 and such sums as may be necessary for each subsequent year through 2014. For those programs, CBO estimated the authorization level for fiscal years 2011 through 2014 by adjusting the amount authorized for 2010 for anticipated inflation. For the remaining programs authorized by H.R. 1388, the bill would authorize such sums as may be necessary for each fiscal year. CBO estimated those authorization levels based on historical program costs for similar activities, anticipated

inflation, and the bill's stated goal of achieving 250,000 participants by 2014.

For this estimate, CBO assumes the bill will be enacted by October 1, 2009, and that outlays will follow historical patterns for those programs.

Programs funded under NCSA and DVSA received appropriations of $1.1 billion for fiscal year 2009, including $200 million in funding from the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

Specified Authorizations: Under H.R. 1388, specified authorizations for 2010 would total $472 million. Specifically, the bill would authorize the appropriation of the following amounts for 2010:

Foster Grandparent Program ($115 million),

VISTA ($100 million),

Learn and Serve America ($97 million),

Retire and Senior Volunteer Program ($70 million),

Senior Companion Program ($55 million), and

National Civilian Community Corps ($35 million).

CBO estimates that implementing those programs would cost $1.9 billion over the 2010–2014 period, assuming appropriation of the specified amounts for 2010 and adjusting those amounts for anticipated inflation for 2011 through 2014.

Indefinite Authorizations: The bill also would authorize the appropriation of such sums as may be necessary for fiscal years 2010 through 2014 for other programs, including AmeriCorps and education awards funded through the National Service Trust. CBO estimates those indefinite authorizations would total $840 million in fiscal year 2010 and would rise to nearly $2 billion by 2014.

H.R. 1388 includes a stated goal that participation in all AmeriCorps programs (including the National Civilian Community Corps and VISTA) should increase to 250,000 people by 2014 (participation in those programs was about 75,000 in 2008). For this estimate, CBO assumes that sufficient funds would be provided to meet that goal—$3.6 billion over the 2010–2014 period, CBO estimates. Those funds would be used primarily to provide grants to states, territories, tribes, and nonprofit organizations to operate volunteer service programs. CBO estimates that outlays for those programs would total $2.7 billion over the 2010–2014 period.

Most participants in AmeriCorps programs (and some VISTA participants) earn education awards for completing specific terms of service that can be used to repay certain student loans or to pay for future education expenses. In 2009, the maximum award is $4,725. Beginning in 2010, the maximum full-time education award would be pegged to the amount authorized for Pell grants under the Higher Education Act of 1965. Those amounts are $6,400 in 2010; $6,800 in 2011; $7,200 in 2012; $7,600 in 2013; and $8,000 in 2014. CBO estimates that over the 2010–2014 period another $2.4 billion would be needed to fund education awards for AmeriCorps participants. Assuming the appropriation of those sums, CBO estimates outlays would increase by $0.5 billion over the five-year period (with significant additional outlays in subsequent years).

CBO also estimates that over the 2010–2014 period, the bill would authorize the appropriation of funds for:

Administrative expenses, including support to state service commissions and evaluation of programs ($0.6 billion),

Various demonstration programs ($0.2 billion),

Training and technical assistance programs ($150 million), and

A new Congressional Commission on Civic Service ($1 million).

In total, CBO estimates that outlays would rise by $0.8 billion over the next five years, assuming appropriation of the estimated amounts.

Intergovernmental and private-sector impact: H.R. 1388 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize grants to state, local, and tribal governments to support national service programs including AmeriCorps, VISTA, and the National Senior Service Corps. CBO estimates state, local, and tribal governments could receive grants totaling more than $4 billion over the next five years. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Burke Doherty; Impact on the Private Sector: Patrick Bernhardt.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HISTORY MONTH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here before you not only as a Member of the United States Congress, but as a woman. I fully support H. Res. 211, ''Supporting the goals and ideals of National Women's History Month'', this is an issue that I hold dear to my heart. This bill will increase awareness and knowledge of women's involvement in history.

Women's history is a vital part of American history, however it is not public knowledge; mostly in part to the lack of women's history education in the schools. I thank my colleague Representative WOOLSEY for introducing this valuable piece of legislation.

As Susan B. Anthony said ''It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union'' and ''There never will be complete equality until women themselves help to make laws and elect lawmakers.''

This national celebration and recognition of women's historic achievements began in 1980 when National Women's History Week was proclaimed by Presidential Proclamation. In 1987, this national celebration was expanded by Congressional Resolution to an entire month by declaring March as National Women's History Month.

National Women's History Month provides an opportunity to educate the general public about the significant role of women in American history and contemporary society. Establishing this focal celebration has encouraged schools to introduce new curriculum, and communities to recognize women who have been pivotal in their own communities.

The knowledge of women's history provides a more expansive vision of what a woman can do. This perspective can encourage girls and women to think larger and bolder and can give boys and men a fuller understanding of the female experience.

Today, women account for 51% of the world's population and throughout ''woman's-kind'' we have had countless sisters whose brilliance, bravery and power changed the course of history. H. Res. 211 recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

While we have come a long way from the early nineteenth century, when women were considered second class citizens whose existence was limited to the interior life of the home and care of the children, we have yet to achieve equality. It is a shame that a decade into the new millennium we are still fighting for women's equality and the right to be respected for our contributions both in and out of the workplace.

This bill will bring awareness to all of those women who have broken barriers and glass ceilings for the rest of us. Women such as the Honorable Speaker PELOSI, the Honorable Ruth Bader Ginsburg, Susan B. Anthony, the Honorable Barbara Jordan, Sojourner Truth, Sacagawea, Rosa Parks, Amelia Earhart, Joan of Arc, and the list could go on for miles.

However, this month is not only about the well known women of history. It is also about those less renowned, such as Belva Ann Lockwood, who fought for admittance into law school. She fought to practice before the Supreme Court and even ran two full campaigns to run for President of the United States, although she could not vote. Texas is home to a multitude of women. The women of Texas are strong, and National Women's History Month is the perfect time to celebrate the diverse population of women that reside in the great state of Texas. I am a proud Texan, and today, I want to bring attention to several women from Texas who deserve recognition and praise for their influence in the continuing fight for women's equality.

One of my personal heroes is Barbara Jordan. Barbara Jordan was born in the Fifth Ward of Houston to a Baptist minister and a domestic worker. She grew up a native Houstonian, attended Houston public school, and attended Texas Southern University in Houston. In 1966, Barbara Jordan was elected as State Senator becoming the first woman to serve since 1883. Her political career continued to grow when she was elected to Federal Representative in 1972. As a Congresswoman, Barbara Jordan sponsored the cause of the poor, black, and disadvantaged people. She is truly a strong woman from Texas that is more than deserving of our recognition during National Women's History Month.

A native Texan, Ann Richards was politically motivated from a young age. Through the 1950s and 60s, she volunteered on several Democratic Governor campaigns, and by 1976, she won her first political position as a Commissioner in Travis County. Beginning in 1982, she became the first woman elected to statewide office in 50 years as state Treasurer, and in 1990, a Democrat turned the typically red state of Texas blue. Ann Richards worked hard to champion for all of her constituents while she was in office and continued this fight even after she was out of office. In 2006, Ms. Richards passed away, but she will always be remembered for her kind heart and determined demeanor. She was an advocate for women everywhere. I want to make sure that her Texas memory is not forgotten.

Alongside Barbara Jordan and Ann Richards there are many Texas women that have

championed to represent strong, Texas women. Throughout Texas, there are women that have paved their individual paths independently and with dignity. Texas Railroad Commissioner Lena Guerrero was also a Hispanic legend in Texas. She was the youngest ever President of the Young Democrats of Texas at 21 years of age and was elected as a state representative in 1984. She was the first Hispanic and first woman on the Texas Railroad commission. Tragically, Lena met her demise at the age of 50. However, in her short time, Lena was someone to be admired and who made many contributions as a Texas citizen.

Dr. Polly Turner, an Associate Professor of Health Administration at Texas Southern University is another outstanding woman I would like to direct attention to. In 2007, she was awarded the Outstanding Texan Honoree in Education by State Representative Garnet Coleman.

Vanessa Diane Gilmore is a judge on the United States District Court for the Southern District of Texas. She was appointed to this position by President Clinton in 1994. At that time, she was the youngest sitting federal judge in the United States. She was also the first graduate of the University of Houston to be appointed to the federal bench.

Hazel Hainsworth Young is another Texan deserving of our respect. In 1926, Hazel Young was named the first Latin teacher at the brand-new Jack Yates High School. In 2008, HISD honored Ms. Young and her contributions as a teacher at her 103rd birthday.

I would also like to direct attention to Faye B. Bryant, the 21st International President of Alpha Kappa Alpha (AKA) Sorority, Inc. Faye B. Bryant was born in Houston in 1957. Since then, Ms. Bryant has worked as a teacher and administrator of Houston Independent School District (HISD). Along with her education focus, she stayed a strong supporter of her sorority, and as President of AKA, she has reached out to other nations and developed programs such as the African Village Development Program.

Mattelia B. Grays, the 18th International President of AKA, was also a native born Houstonian. After her education in Michigan and California, Ms. Grays returned to Houston to teach for public schools. Under her leadership the Rodgers Educational Enrichment Center was named one of ''One of Six Super Schools'' by Texas Monthly magazine. Like Ms. Bryant, Ms. Grays held positions of influence in HISD and championed for children's rights.

Aside the plethora of minority women that have made a name and established a foothold in the state of Texas, there are Caucasian women such as Patricia Lykos who is currently the District Attorney of Harris County. A graduate of the University of Houston and South Texas College of Law, Patricia has dedicated her career to the administration of justice. In 1980, she was the first Republican elected to the Harrison County criminal court bench.

Melissa Noriega is also a woman to be admired. She is a 27 year veteran of the HISD, a community activist, and a former member of the Texas House of representatives. Melissa's actions demonstrate her belief in public service and her ability to set aside her personal agendas for the greater good.

Furthermore, Rosanna Osterman was a Texas pioneer, American Civil War nurse and philanthropist. She lived in Galveston, and during the 1853 yellow fever epidemic, she erected a temporary hospital on her family premises in order to nurse the sick and the dying. Osterman also chose to stay in Galveston during the civil war and opened her home as a hospital, first to Union soldiers, then to Confederate soldiers.

I am proud to stand here today as a female member of Congress and champion for the unending fights for the rights and equality of women, and I am proud that I am able to bring recognition to these truly amazing women from Texas.

Women have a distinct place in American history as well as world history. Women had to fight uphill battles in order to free themselves from their cages. For example, women had to prove that intense physical or intellectual activity would not in fact be injurious to the ''delicate'' female biology, and to be seen as individuals and not property and objects of beauty.

As Susan B. Anthony said ''It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union'' and ''There never will be complete equality until women themselves help to make laws and elect lawmakers''. Women face discrimination and prejudice everyday, yet women all over the world continue to work hard to make a difference—to alter their lives and the lives of others. I believe that women have always had the power to change the world and we will. I urge my colleagues to support this important resolution.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3123–S3321

Measures Introduced: Twenty-one bills were introduced, as follows: S. 606–626. **Page S3163**

Measures Passed:

Automatic Pay Adjustments for Members of Congress: Senate passed S. 620, to repeal the provision of law that provides automatic pay adjustments for Members of Congress. **Page S3149**

Extension of Programs for Small Businesses: Senate passed H.R. 1541, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, clearing the measure for the President. **Page S3318**

Federal Financial Assistance Management Improvement Act: Senate passed S. 303, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999. **Pages S3318–19**

Authorizing Use of Capitol Grounds: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 39, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run, and the resolution was then agreed to. **Page S3319**

Board of Regents of the Smithsonian Institution: Committee on Rules and Administration was discharged from further consideration of S.J. Res. 8, providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution, and the resolution was then passed. **Pages S3319–20**

Board of Regents of the Smithsonian Institution: Committee on Rules and Administration was discharged from further consideration of S.J. Res. 9, providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution, and the resolution was then passed. **Page S3320**

Measures Considered:

Revolutionary War and War of 1812 Battlefield Protection Act: Senate began consideration of H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, after agreeing to the motion to proceed to consideration thereto, and taking action on the following amendments proposed thereto: **Pages S3130–41, S3141–49, S3149–56**

Pending:

Bingaman Amendment No. 684, in the nature of a substitute. **Pages S3141–49, S3149–56**

Coburn Amendment No. 680 (to Amendment No. 684), to ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service. **Pages S3150–52**

Coburn Amendment No. 679 (to Amendment No. 684), to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable energy. **Pages S3152–54**

Coburn Amendment No. 675 (to Amendment No. 684), to prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act. **Page S3154**

A unanimous-consent-time agreement was reached providing that the following list of amendments be the only first-degree amendments in order; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, and Senate vote on passage of the bill, with passage of the bill subject to a 60-affirmative vote threshold; provided debate time prior to a vote on or in relation to each amendment, be limited to 60 minutes, and that no amendment be in order to any amendment prior to a vote on or in relation thereto; provided if there is a sequence of votes on or in relation to the amendments, then prior to each vote in a sequence, there be 4 minutes of debate, divided as specified above, provided that after the first vote in any sequence, subsequent votes be limited to 10 minutes each: Coburn Amendment No. 680 (listed

above); Coburn Amendment No. 679 (listed above); Coburn Amendment No. 683, relative to striking targeted provisions; Coburn Amendment No. 675 (listed above); Coburn Amendment No. 677, relative to annual report; and Coburn Amendment No. 682, relative to Subtitle D clarification. **Pages S3140–41**

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, March 18, 2009, following executive session. **Page S3320**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), certification that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication is not detrimental to the U.S. space launch industry, and that the material and equipment will not measurably improve the missile or space launch capabilities of the People's Republic of China; which was referred to the Committee on Foreign Relations. (PM–13) **Page S3161**

Kirk Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10:30 a.m., on Wednesday, March 18, 2009, Senate begin consideration of the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, and that there be up to 90 minutes of debate with respect to the nomination, with the time divided as follows: 30 minutes under the control of the Majority, and 60 minutes under the control of the Republicans, and that Senate vote on confirmation of the nomination at a time to be determined by the Majority Leader, following consultation with the Republican Leader. **Page S3318**

Nominations Received: Senate received the following nominations:

David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

William V. Corr, of Virginia, to be Deputy Secretary of Health and Human Services.

Demetrios J. Marantis, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Routine lists in the Air Force, Army, and Coast Guard. **Page S3320**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Demetrios J. Marantis, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, which was sent to the Senate on March 16, 2009. **Page S3321**

Messages from the House: **Page S3161**

Measures Referred: **Page S3161**

Executive Communications: **Pages S3161–62**

Executive Reports of Committees: **Pages S3162–63**

Additional Cosponsors: **Pages S3163–64**

Statements on Introduced Bills/Resolutions: **Pages S3164–88**

Additional Statements: **Pages S3160–61**

Amendments Submitted: **Pages S3188–S3317**

Notices of Hearings/Meetings: **Page S3317**

Authorities for Committees to Meet: **Pages S3317–18**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:39 p.m., until 9:30 a.m. on Wednesday, March 18, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3320.)

Committee Meetings

(Committees not listed did not meet)

SOUTHERN, NORTHERN, AFRICA, AND TRANSPORTATION COMMANDS

Committee on Armed Services: Committee concluded a hearing to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command, after receiving testimony from Admiral James G. Stavridis, USN, Commander, United States Southern Command; General Victor E. Renuart, Jr., USAF, Commander, United States Northern Command and North American Aerospace Defense Command; General William E. Ward, USA, Commander, United States Africa Command; and General Duncan J. McNabb, USAF, United States Transportation Command.

INSURANCE REGULATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine perspectives on modernizing insurance regulation, after receiving testimony from Michael T. McRaith, Illinois

Department of Financial and Professional Regulation, Springfield, on behalf of National Association of Insurance Commissioners; Frank Keating, American Council of Life Insurers, Franklin W. Nutter, Reinsurance Association of America, and J. Robert Hunter, Consumer Federation of America, all of Washington, D.C.; William R. Berkley, W.R. Berkley Corporation, Greenwich, Connecticut, on behalf of the American Insurance Association; Spencer M. Houldin, Ericson Insurance, Washington Depot, Connecticut, on behalf of Independent Insurance Agents and Brokers of America, Inc.; and John T. Hill, Magna Carta Companies, New York, New York, on behalf of National Association of Mutual Insurance Companies.

OUTER CONTINENTAL SHELF AND ENERGY DEVELOPMENT

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine energy development on public lands and the Outer Continental Shelf, focusing on the range of issues associated with the development of energy resources from public lands and the Outer Continental Shelf, after receiving testimony from Ken Salazar, Secretary of the Interior; Philip D. Moeller, Federal Energy Regulatory Commission; Dan Arvizu, Director, National Renewable Energy Laboratory, Department of Energy; Joanna Prukop, New Mexico Energy, Minerals, and Natural Resources Department, Santa Fe; George Cooper, Theodore Roosevelt Conservation Partnership, Washington, D.C.; Steven R. Kopf, Pacific Energy Ventures, LLC, Portland, Oregon; and Robert Bryce, Austin, Texas.

FRAUD SCHEMES AND OFFSHORE TAX EVASION

Committee on Finance: Committee concluded a hearing to examine tax issues related to fraud schemes and an update on offshore tax evasion legislation, after receiving testimony from Doug Shulman, Commissioner, Internal Revenue Service, Department of the Treasury; Michael Brostek, Director, Strategic Issues Team, Government Accountability Office; and William Josephson, Fried, Frank, Harris, Shriver, and Jacobson, LLP, New York, New York.

MEXICAN DRUG CARTELS

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a joint hearing with the Senate Caucus on International Narcotics Control to examine law enforcement responses to Mexican drug cartels, after receiving testimony from William Hoover, Assistant Director, Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, and Anthony P. Placido, Assistant Administrator, Intelligence Division, Drug Enforcement Agency, both of Department of Justice; Kumar C. Kibble, Deputy Director, Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Terry Goddard, Arizona Attorney General, Phoenix; Denise Dresser, Instituto Tecnologico Autonomo de Mexico, Mexico City; and Jorge Luis Aguirre, El Paso, Texas.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 35 public bills, H.R. 1541–1575; 1 private bill, H.R. 1576; and 8 resolutions, H. Con. Res. 75; and H. Res. 249, 251–256, were introduced. **Pages H3525–27**

Additional Cosponsors: **Pages H3527–28**

Report Filed: A report was filed today as follows:

H. Res. 250, providing for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws (H. Rept. 111–39). **Page H3525**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson-Lee (TX) to act as Speaker Pro Tempore for today. **Page H3441**

Recess: The House recessed at 11:14 a.m. and reconvened at 12 noon. **Page H3446**

Privileged Resolution—Intent to Offer: Representative Flake announced his intention to offer a privileged resolution. **Pages H3446–47**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Supporting the goals and ideals of Professional Social Work Month and World Social Work Day: H. Res. 240, amended, to support the goals and ideals of Professional Social Work Month and World Social Work Day, by a 2/3 yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 128;

Pages H3451–52, H3469–70

Supporting the goals and ideals of National Women's History Month: H. Res. 211, to support the goals and ideals of National Women's History Month, by a ⅔ recorded vote of 418 ayes with none voting "no", Roll No. 129; **Pages H3453–56, H3470–71**

Establishing a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges: H.R. 628, to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, by a ⅔ recorded vote of 409 ayes to 7 noes, Roll No. 130; **Pages H3456–59, H3471**

Stop AIDS in Prison Act of 2009: H.R. 1429, to provide for an effective HIV/AIDS program in Federal prisons; **Pages H3459–63**

John "Bud" Hawk Post Office Designation Act: H.R. 955, to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office"; **Pages H3463–64**

Reducing Information Control Designations Act: H.R. 1323, amended, to require the Archivist of the United States to promulgate regulations regarding the use of information control designations; and **Pages H3464–67**

Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958: H.R. 1541, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. **Pages H3468–69**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Lance Corporal Matthew P. Pathenos Post Office Building Designation Act: H.R. 1216, to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building". **Pages H3467–68**

Board of Visitors to the United States Coast Guard Academy—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Representatives Courtney and Coble. **Page H3471**

Presidential Message: Read a message from the President certifying that export of certain items to the People's Republic of China is not detrimental to the U.S. space launch industry—referred to the Committee on Foreign Affairs and ordered printed (H. Rept. 111–25). **Pages H3471–72**

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of today and appear on pages H3469–70, H3470–71, and H3471. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:36 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Status of Climate Change Science. Testimony was heard from Susan Solomon, Earth System Research Laboratory, NOAA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Military Personnel-Air Force. Testimony was heard from LTG Richard Newton, Deputy Chief of Staff, Manpower and Reserve Affairs; and Craig W. Duehring, Assistant Secretary, Manpower and Reserve Affairs, both with the Department of the Air Force.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Nuclear Weapons Complex. Testimony was heard from Thomas D'Agostino, Administrator, National Nuclear Security Administration, Department of Energy; A. G. Eggenberger, Chairman, Defense Nuclear Facilities Safety Board; Philip Coyle, former Associate Director, Livermore Laboratory; Everet Beckner. former Deputy Administrator, Defense Programs, National Nuclear Security Administration, Department of Energy; and Richard Garwin, former Chairman, Arms Control and Nonproliferation Advisory Board, Department of State.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Interoperable Communications. Testimony was heard from the following officials of the Department of Homeland Security: W. Ross Ashley, Assistant Administrator, Grant Programs, FEMA; David Boyd, Director, Command Control and Interoperability Division, Directorate for Science and Technology; and Chris Essid, Director, Office of Emergency Communications.

STATUS OF U.S. STRATEGIC PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the status of U.S. strategic programs. Testimony was heard from GEN Kevin P. Chilton, USAF, Command, U.S. Strategic Command.

HIGHWAYS/MASS TRANSIT FINANCING

Committee on the Budget: Held a hearing on Budgeting for Transportation: Financing Investments in Highways and Mass Transit. Testimony was heard from Debra L. Miller, Secretary, Department of Transportation, Kansas; Tyler Duvall, former Assistant Secretary, Transportation Policy, Department of Transportation; and a public witness.

EARLY CHILDHOOD DEVELOPMENT

Committee on Education and Labor: Held a hearing on The Importance of Early Childhood Development. Testimony was heard from Harriet Meyer, Co-Chair Early Learning Council, State of Illinois; Holly Robinson, Commissioner, Department of Early Care and Learning, State of Georgia; and public witnesses.

U.S. EXPORT PROMOTION

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on Stimulating the Economy through Trade: Examining the Role of Export Promotion. Testimony was heard from Michelle O'Neill, Acting Under Secretary, International Trade, International Trade Administration, Department of Commerce; Suzanne Hale, Acting Administrator, Foreign Agriculture Service, USDA; Loren Yager, Director, International Affairs and Trade, GAO; and public witnesses.

AFFORDABLE HEALTH COVERAGE

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Making Health Care Work for American Families: Ensuring Affordable Coverage. Testimony was heard from Mila Kofman, Superintendent of Insurance, Bureau of Insurance, State of Maine; and public witnesses.

FINANCIAL SERVICES SYSTEMIC RISK REGULATION

Committee on Financial Services: Held a hearing entitled "Perspectives on Regulation of Systemic Risk in the Financial Services Industry." Testimony was heard from public witnesses.

FEMA PREPAREDNESS/RESPONSE MISSION

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing on PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission. Testimony was heard from the following officials of the Department of Homeland Security: Richard Skinner, Inspector General; and Corey Gruber, Acting Deputy Administrator, National Preparedness Directorate, FEMA; William Jenkins, Director, Homeland Security and Justice, GAO; and public witnesses.

GOVERNMENT BANKING CONSOLIDATION/ANTITRUST LAW

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on Too Big To Fail?: The Role of Antitrust Law in Government-Funded Consolidation in the Banking Industry. Testimony was heard from Deborah A. Garza, former Assistant Attorney General, Division of Antitrust, Department of Justice; and public witnesses.

OUTER CONTINENTAL SHELF ENERGY LEASING

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled "Leasing and Development of Oil and Gas Resources on the Outer Continental Shelf.". Testimony was heard from the following officials of the Department of the Interior: Chris Oynes, Associate Director, Offshore Energy and Minerals Management Program, Minerals Management Service; and Mary L. Kendall, Acting Inspector General; Frank Rusco, Director, Natural Resources and Environment, GAO; and public witnesses.

NATIONAL SERVICE REFORM

Committee on Rules: The Committee granted, by a non-record vote, a structured rule providing for consideration of H.R. 1388, the Generations Invigorating Volunteerism and Education (GIVE) Act. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the

proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman George Miller of California and Representatives Titus, Pingree, Perriello, Hunter and Roe.

ENERGY RESEARCH/DEVELOPMENT

Committee on Science and Technology: Held a hearing on New Directions for Energy Research and Development at the U.S. Department of Energy. Testimony was heard from Steven Chu, Secretary of Energy.

VISION CENTER EXCELLENCE

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Vision Center of Excellence: What Has Been Accomplished in Thirteen Months? Testimony was heard from the following officials of the Department of Veterans Affairs: James Orcutt, M.D., Chief of Ophthalmology; and Madhulika Agarwal, M.D., Chief Officer, Patient Care Services Office, both with the Veterans Health Administration; Jack Smith, M.D., Deputy Assistant Secretary, Clinical Policy and Programs, Department of Defense; and public witnesses.

MEDICARE PAYMENT POLICY REPORT

Committee on Ways and Means: Subcommittee on Health held a hearing on MedPAC's Annual March Report to the Congress on Medicare Payment Policy. Testimony was heard from Glenn M. Hackbarth, Chairman, Medicare Payment Advisory Commission.

BRIEFING—NSA COMPLIANCE ISSUES

Permanent Select Committee on Intelligence: met in executive session to hold a briefing on NSA Compliance Issues. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 18, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine Department of Defense medical programs, 10:30 a.m., SD–192.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine the incidence of suicides of United States Servicemembers and initiatives within the Department of Defense to prevent military suicides, 2:45 p.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine risk management oversight at Federal financial regulators, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Gary Locke, of Washington, to be Secretary of Commerce, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine nuclear energy development; to be immediately followed by a business meeting to consider the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior, 9:30 a.m., SD–366.

Committee on Finance: Subcommittee on Health Care, to hold hearings to examine what is health care quality and who decides, 2:30 p.m., SD–215.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 277, to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine findings from the Disaster Recovery Subcommittee Special Report and working with the Administration on a way forward, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the National Academy of Science's report Strengthening Forensic Science in the United States: A Path Forward, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 334, Cannon Building.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, on Critical On-going Satellite Climate Change Datasets, 10 a.m., and 2 p.m., H–309 Capitol.

Subcommittee on Defense, on Military Personnel-Army, 10 a.m., H–140 Capitol.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Public Witnesses, 10 a.m., and 2 p.m., 2358C Rayburn.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Livable Communities, Transit Oriented Development & Incorporating Green Building Practices into Federal Housing and Transportation Policy 2 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on security developments in the areas of responsibility of the U.S. Southern Command, Northern Command, Africa Command, and Joint Forces Command, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel and the Subcommittee on Readiness, joint hearing on Medical Infrastructure: Are Health Affairs/TRICARE Management Activity Priorities Aligned with Service Requirements? 2 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on space and U.S. security, 1 p.m., 2212 Rayburn.

Committee on the Budget, hearing on Department of Defense Fiscal Year 2010 Budget, 10 a.m., and to continue Members' Day-Part Two, 2 p.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Energy and Environment, hearing on Competitiveness and Climate Policy: Avoiding Leakage of Jobs and Emissions, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services,, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "American International Group's Impact on the Global Economy: During and After Federal Intervention." 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Striking the Appropriate Balance: The Defense Department's Expanding Role in Foreign Assistance, 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing on Homeland Security Intelligence: Its Relevance and Limitations, 10 a.m., 311 Cannon.

Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "100% Air Cargo Screening: Can We Secure America's Skies?" 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following: H.R. 1107, To enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts," H.R. 1139, COPS Improvements Act of 2009; and the End GREED Act, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 31, Lumbee Recognition Act; and H.R. 1385, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, to mark up the following: Title IV of H.R. 1256, Family Smoking Prevention and Tobacco Control Act; H. Res. 223; Honoring the life, achievements, and contributions of Paul Harvey, affectionately known for his signature line, "This is Paul Harvey . . . Good Day;" and H.R. 774, To designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building," 1 p.m., 2154 Rayburn.

Committee on Small Business, hearing entitled "The Administration's FY Year 2010 Budget and Medicare: How Will Small Providers be Impacted?" 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on ATC Modernization and NextGen: Near-Term Achievable Goals, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing CIA Intelligence Activities, 3:30 p.m., 302–HVC.

Joint Meetings

Joint Hearing: Senate Committee on Veterans' Affairs, to hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 334, Cannon Building.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, March 18

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, and after a period of debate, vote on confirmation of the nomination at a time to be determined by the Majority Leader; following which, Senate will continue consideration of H.R. 146, Revolutionary War and War of 1812 Battlefield Protection Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, March 18

House Chamber

Program for Wednesday: Consideration of H.R. 1388—Generations Invigorating Volunteerism and Education Act (Subject to a Rule).

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