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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

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# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Lord God, we pause today to thank You for all of Your blessings. Thank You for the wonder of Your creation, for the beauty of the Earth, for the order You did bring out of chaos, for life itself.

Thank You for this legislative body and for the opportunity to make a substantive difference in the lives of American citizens and the people of our world.

Lord, be near to our lawmakers today. May they set their hearts on new and creative paths of service. Remind them that no true peace is possible without You. Let them remember that they are responsible for lifting others. Heighten their sensitivities and broaden their concerns, until duty becomes a life and not an event. Give them clear heads and trusting hearts. We pray in the Redeemer's Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 10, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Thank you very much, Mr. President.

Following my remarks and those of the Republican leader, the Senate will proceed to a period of morning business for up to 60 minutes. Senators will be allowed to speak for up to 10 minutes each during that period of time, with the times equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans the second half.

Following morning business, the Senate will resume consideration of the housing bill, and around 11 or maybe shortly thereafter, we will proceed to a series of three votes on the remaining amendments and passage of the bill.

Upon disposition of the housing bill, the Senate will proceed to S. 2739, the energy lands bill. There are four Coburn amendments in order to the bill, and the proponents and opponents have up to 2 hours to debate the amendments prior to votes on the amendments and passage of the bill, as amended, if amended.

When the Senate completes the Energy bill, we will turn to executive session to consider the nominations of four district court judges and a circuit court judge. There will be up to 4 hours for debate prior to votes on confirmation of the nominations.

## PRESIDENTIAL DISCUSSIONS

Mr. REID. I would say two things, Mr. President. First of all, the distinguished Republican leader and I had a meeting with the President yesterday. I was happy to hear—I had heard he had issued a veto threat against this bill, and he said that is not the case, and that is good. I don't expect the President to like everything in our bill, but I think this is the beginning of the process. This bill will go to the House, and with the House and the White House, we can come up with a piece of legislation fairly quickly. So I was very satisfied with the housing discussion with the President yesterday.

## CONFIRMATION OF JUDGES

Mr. REID. Finally, on the judges, I appreciate the Judiciary Committee reporting out these judges. In a Presidential election year, it is always very tough for judges. That is the way it has been for a long time, and that is why we have the Thurmond rule and other such rules. But I have indicated to the Republican leader that we are going to try to move these nominations along. We are trying to keep up with the average that has gone on in years past without a lot of political bickering.

We have the finest judicial system in the world. We need to make sure we keep it that way. One of the things we are looking to do—and, hopefully, we may even be able to do it on the supplemental appropriations bill; and one

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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way or the other, the President indicated yesterday there will be some things he wants to put on it other than the direct funding—whether we can do it at that time or later in the year, we need to do something about increasing judges' pay, and I hope we can do that.

Thank you, Mr. President.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## JUDICIAL CONFIRMATION PROCESS

Mr. MCCONNELL. Mr. President, I wish to make a few observations about the status of the judicial confirmation process, and then I will turn to another matter.

It has been 108 days since the Senate confirmed a Federal judge of any kind. It last did so the week before Christmas, on December 18, 2007. Since then, the Senate has made precious little progress on judicial nominations. I don't blame the majority leader for that. I think we began this Congress with a general understanding of what we hoped to achieve, and that is still possible. But as of today, we have not confirmed any judicial nominees this year, and the Judiciary Committee has held only one hearing on one circuit court nominee since last September.

Today we will finally be able to confirm some judicial nominees. That is obviously good news, and I applaud that. But after we confirm the judicial nominees on the calendar, that may be it for a while due to the glacial pace at which the Judiciary Committee is proceeding.

It is not as if the committee has been otherwise occupied. This is another week in which the committee could have held a hearing, for example, on the qualified nominees to the Fourth Circuit Court of Appeals, but again it chose not to. These nominees meet the chairman's own criteria for prompt consideration. Nevertheless, they have been inexplicably languishing for hundreds of days without a hearing while the Fourth Circuit is one-third vacant.

We were told that having the support of home State Senators ''means a great deal and points toward the kind of qualified consensus nominee that can be quickly confirmed.''

Let me say that again. We were told that having the support of home State Senators ''means a great deal and points toward the kind of qualified consensus nominee that can be quickly confirmed.''

Well, Steven Matthews of South Carolina had the strong support of both of his home State Senators, one of whom, by the way, sits on the Judiciary Committee, but he has been waiting 217 days just to get a hearing.

Judge Robert Conrad of North Carolina, whom the Senate majority unanimously confirmed to two Federal positions and most recently to a lifetime position on the district court, has the strong support of both of his home State Senators. Yet he has been waiting for 268 days.

My Democratic colleagues are quick to point to the lack of home State support as a reason not to give someone a hearing. But it is beginning to look as if this criterion is being selectively applied. It is readily used as a reason not to move a nominee, coincidentally, when the nominee is from a State with a Democratic Senator, but it is ignored when the nominee has the support of two Republican Senators. At least that has been the case to date with the Fourth Circuit nominees.

For example, Rod Rosenstein is the U.S. attorney in Maryland. He has been nominated to the Fourth Circuit. By all accounts, Mr. Rosenstein is a fine lawyer and public servant. His peers at the American Bar Association certainly think so. They gave him the ABA's highest rating, ''unanimously well qualified.''

The Washington Post also thinks Mr. Rosenstein is an outstanding nominee. In an editorial entitled ''A Worthy Nominee,'' the Post noted that Mr. Rosenstein has ''earned plaudits for his crackdown on gang violence and public corruption,'' and that one of his supporters at the head of the Criminal Division during the Clinton administration, Jo Ann Davis, called him a ''perfect'' candidate for a judgeship:

> Smart, savvy and as straight of an arrow as I have ever encountered.

The Post bemoaned the fact that Mr. Rosenstein does not have the support, for some reason, of his home State Senators, and out of deference to them the committee would not process Mr. Rosenstein's nomination. But Mr. Matthews and Judge Conrad do enjoy the strong support of their home State Senators. Yet those nominees can't get a hearing. So it doesn't seem that the same sort of deference is being paid to the Carolina Senators as to others.

I do understand the committee intends to give a hearing to the Fourth Circuit nominee from Virginia because the junior Senator from Virginia—a Democrat—in addition to the senior Senator from Virginia—a Republican—support the nominee. It is great that the committee may actually at some point move a circuit court nominee, especially one to a circuit that is 33 percent vacant. But why is this nominee leap-frogging over two other nominees to the very same circuit, both of whom enjoy the strong support of their home State Senators and both of whom have been pending for hundreds of days longer than the nominee from Virginia?

It looks as though if a Democratic Senator in the Fourth Circuit opposes the nominee, then the committee will not move the nominee, and if a Democratic Senator of the Fourth Circuit supports the nominee, then the committee will move the nominee. But if two Republican Senators in the Fourth Circuit—or, in this case, four Republican Senators in that circuit—support two nominees, that doesn't seem to mean anything.

We need to treat all of the Senators who represent the Fourth Circuit consistently and fairly. We can do that by holding a joint hearing for Mr. Matthews and Judge Conrad. Doing so will make up for lost time and will afford the Carolina Senators the respect to which they are entitled.

## TRIBUTE TO CORPORAL WINDELL JERYD SIMMONS

Mr. MCCONNELL. Mr. President, in Kentucky there is a family mourning the loss of a young man who was taken from them entirely too soon. On September 21, 2006, CPL Windell Jeryd Simmons was tragically killed when an improvised explosive device detonated under his humvee while on patrol near Taji, Iraq. The Hopkinsville, KY, soldier was 20 years old.

For his valor in service, Corporal Simmons received several medals, awards, and decorations, including the Army Good Conduct Medal, the Army Commendation Medal, the Purple Heart, and the Bronze Star.

Jeryd, as he was known, may have been born in Nuremburg, Germany, in 1986, but he was raised in Hopkinsville. Jeryd's mother, Betty Simmons-Mayo, tells us how her son would always greet her whenever he entered a room.

Jeryd used to always enter a room and say,''Hey Mom.'' Then whenever he would come back into the room, he would say, ''Hey, Mom'' again, she recalls. I think he would say ''Hey, Mom'' at least 15 times a day. He would start his e-mails from Iraq with ''Hey, Mom.''

But her friendly son was not without his mischievous side. Betty also recalls a time when Jeryd hid a water gun behind his back and would sneakily shoot his mother, brother, and sister with it every time they walked by. Whenever one of his victims accused him of being a culprit, Jeryd would plead innocence. So his mother hatched a scheme to prank the prankster. She said:

> Jeryd loved to play practical jokes. To get him back, I got everyone a water balloon, and the next time he was outside, we threw balloons at him. He stopped shooting everyone after that.

Jeryd graduated from Christian County High School in 2004 and set his sights on enlisting in the U.S. Army. He had made his decision to serve his country before graduating.

Jeryd's friends remember him as a natural leader, somebody they would dearly miss, but also someone they knew would make them proud for his service in uniform.

''He was like the ring leader. He was the best,'' says Tad Abukuppeh, a high school classmate. ''No matter what it was, he was always energetic about everything we did together.''

Another friend, Justin Baker, agrees.

He was pretty quiet in school, but when you got him out of school, he was one of the funniest guys you would meet. He was the idea man. If we were bored, he would think of something to do.

Jeryd enlisted on June 24, 2004, and was assigned to HHC Company, 3rd Battalion, 67th Armored Regiment, 4th Brigade, 4th Infantry Division, stationed in Fort Hood, TX.

He was deployed to Iraq in December 2005. Jeryd wrote in an email to his mother that he would be home in time for Christmas. But, sadly, that was an appointment he would not keep.

Jeryd's funeral service was held in Hopkinsville, where he was buried in a veterans' cemetery. He was laid to rest with full military rites, including a 21-gun salute and the playing of ''Taps.''

A memorial service for Corporal Simmons was held in Fort Hood also. At that service, CPT Brad McBrayer remembered Jeryd as someone who made people laugh. He reminded his fellow soldiers of Jeryd's career ambition to be a special agent for the FBI someday.

Our thoughts are with the Simmons family today after the loss of CPL Windell Jeryd Simmons. We are thinking of his mother, Betty Simmons-Mayo; his father, William Simmons; his stepfather, Jamel Mayo; his brother, William J. Deal; his sister, Jarysa L. Simmons; his step-grandmother, Mrs. Alfreda Brewer, and many other beloved family members and friends.

April Harris, Jeryd's math teacher from Christian County High, remembers Jeryd this way: ''He could have taken the easy route,'' she says, ''but he wanted to prepare himself.''

While she was speaking about Jeryd's efforts in her classroom, she could easily have been talking about the focus and determination Jeryd applied to life itself.

Our Nation is honored to have so many sons and daughters like CPL Windell Jeryd Simmons, who choose to stand and fight for freedom and for their country.

On behalf of a grateful Nation, this U.S. Senate salutes Corporal Simmons's choice to serve. We owe his family a debt that cannot be repaid. And we will forever honor his sacrifice.

Mr. President, I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, 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 final half.

The Senator from Montana is recognized.

## INSIDER TRADING

Mr. TESTER. Mr. President, I rise today to discuss the recent acquisition of Bear Stearns by JPMorgan Chase and the events that caused the downfall of one of our largest investment banks and its eventual merger with JPMorgan Chase.

When I first learned of the merger, I urged Chairman DODD to hold a hearing. Last week, the Banking Committee began to exercise its much-needed oversight role on this deal. The hearing served to shine a spotlight on the actions of the Federal Reserve and the Treasury Department.

Over the past 2 weeks, we have learned much about the events that led up to Bear Stearns demise and how the government interceded to save it. Unfortunately, some of the accounts have raised more questions than answers. Congress must continue to look into this deal and possible illegal behavior.

Mr. President, I am calling on the proper law enforcement authorities to investigate whether illegal insider trading may have fueled Bear Stearns' downfall.

In the days, hours and, ultimately, minutes before news of Bear Stearns became public, it appears trading in Bear Stearns' stock jumped substantially.

Volume trading in shares of Bear Stearns jumped from just over 5 million shares on the first day of trading in March to an astronomical 186,986,900 shares on March 14—2 days before the Fed authorized the $29 billion bailout. Let me say that one more time. Volume trading in shares of Bear Stearns jumped from just over 5 million shares on the first day of trading in March to an astronomical 186,986,900 shares on Friday, March 14. In fact, the previous high in volume over the last year was just over 28 million shares. Yet on March 14, shares of Bear Stearns were traded nearly 187 million times. They were traded at nearly 187 million times.

It is uncertain whether or not rampant fears of the company's demise led to that spike or whether those looking to make a buck engaged in illegal market manipulation.

During the hearing last Thursday, I asked SEC Chairman Cox if he was aware of any evidence suggesting that speculators had bet heavily that Bear Stearns' share price would fall, known on Wall Street as ''short selling.''

Chairman Cox responded: ''I'm a little bit constrained because the SEC is in the law enforcement business.'' He stated that SEC pursues insider trading aggressively and said his agency was mulling ''several law enforcement matters'' that had not been filed in any U.S. court.

Today, I will be sending this letter to Chairman Cox, as well as Attorney General Mukasey, calling on them to immediately and thoroughly investigate the role that short-selling played in the events surrounding Bear Stearns' collapse.

Market manipulation is illegal and must be prosecuted to the fullest extent of the law. I am asking that Chairman Cox and Attorney General Mukasey to respond to me and the Senate Banking Committee with a report as early as possible about this investigation.

The American taxpayers have been asked to carry the burden of a $29 billion loan that is linked to possibly risky mortgage backed securities. In fact, JPMorgan Chase would not have agreed to acquire Bear Stearns had the government not shared the risk.

I want to repeat that one more time—one of the world's largest and most respected investment banks would not carry the full risk without government aid. And we are supposed to believe on blind faith that the investment is safe and will be repaid in full?

Knowing the consequences and the burden is being carried not only by shareholders, but by average taxpayers who live paycheck-to-paycheck, we must learn if the Federal Reserve acted properly.

We must be certain that investors did not violate laws barring speculators from engaging in market manipulation or insider trading. We must be certain that the taxpayers did not post a preemptive bailout to cover massive short selling for those to make money in the markets.

I rose on the floor last week to raise my concern for the families in Montana and the rest of the country who work hard and play by the rules; yet, can't find a decent place to live that they can afford. And for communities throughout rural America where opportunity is slipping away because of the failure of the national leadership to invest in basic infrastructure that connects us to one another.

These families cannot be asked to cover what some are calling a Government bailout when they are having hard time filling their truck with diesel and to save for their kid's college fund.

I look forward to hearing back from the SEC and Department of Justice. I hope they tell me that it was fear and nothing but market dynamics and not illegal trading. I hope they will tell me that the $29 billion loan was justified and was a one-time act to prevent an economic meltdown.

But if there was insider trading and market manipulation, the proper law enforcement authorities of the U.S. government must respond with appropriate action and prosecute any wrongdoing to the fullest extent of the law.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we are in morning business, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

POLITICAL RECONCILIATION IN IRAQ

Mr. NELSON of Florida. A couple days ago, we had General Petraeus and Ambassador Crocker in front of our Senate Armed Services Committee in the morning, and then I had a chance to visit with them again in the afternoon in the Senate Foreign Relations Committee. These are two very dedicated and bright public servants, and their public service is certainly appreciated, and we expressed that—I think every Senator who questioned them.

The bottom line for this Senator from the State of Florida is that if we go back and look at what was the initial reason stated for the surge, which was over a year ago, it was stated that it was to bring some stability and give some time in order that the Sunnis and the Shiites could have more reconciliation so they could start charting a more stable government for themselves. When pressed on whether that political reconciliation had occurred, both General Petraeus and Ambassador Crocker said they thought it had. And then when I asked, well, what laws have been passed, they named two or three, as if that were the example of political reconciliation, and I think it would be one indicia.

I further asked had those laws been implemented. Of course, with each of the questions that narrowed the focus, the answer was less and less painting a picture that political reconciliation had occurred. We would certainly hope that political reconciliation would occur, because it would clearly be in the interest of the United States that Iraq could be stabilized.

It is the opinion of this Senator that the political reconciliation has not occurred—while at the same time the aggressive diplomatic effort in reaching out to other countries in the region that are very important to bringing about political reconciliation in Iraq has not occurred. Therefore, the tremendous success and effectiveness of the surge, militarily, in fact has not borne the fruit of political reconciliation as we had hoped it would. That is a disappointment to this Senator.

On the subject of Iraq, I need to bring to the attention of the Senate that yesterday I had the privilege of chairing a subcommittee in the Senate Foreign Relations Committee on the question of whether the rapes of American women who are contractor personnel in Iraq as a result of the war effort there—whether these rapes are being prosecuted. The answer to that is, sadly, no. We had dramatic testimony by a Mrs. Mary Beth Kineston, who is a rape victim, and Mrs. Dawn Leamon, who for the first time revealed her identity yesterday in the hearing. In the couple of times she spoke on the radio before, she was using a pseudonym. Of course, that testimony was exceptionally emotional, and it was very graphic as to the trauma that these two women had suffered, not only in the act of the sexual assault—and in the case of one of the women, a gang rape after she had been drugged by fellow Americans—but the trauma in the aftermath of the contractor trying to sweep it under the rug so that it didn't disturb the waters; and all of the trauma each of them went through and the way they were treated by their fellow American workers and fellow contractors in the aftermath of them not being able to get any help. In each case it was not until the military intervened that they actually got any help. In the case of Mrs. Leamon, it was 5 weeks after the fact when she was finally able to see a U.S. military doctor at another base from the forward operating base where the assault took place, and she in fact was told by the doctor that you need to continue to try to work through this and get help; you were drugged and you were raped.

The second panel in our hearing was the Department of Justice, the Department of State, and the Department of Defense. To say the response on why there had not been a prosecution of 26 identified assaults among contractor personnel—not U.S. military—contractors, American women personnel and there had not been one conviction was, indeed, not only deeply disturbing but deeply disappointing.

The way I tried to conduct that hearing, since I chaired the hearing, was to say to those representatives of the Departments of State, Defense, and Justice that we were going to conduct that hearing in a respectful way, and at the end of the day what we wanted was to graphically bring to light the problem that is occurring, not only with the assaults but the aftermath where American women cannot get justice, and that it is the responsibility of their ultimate guarantors, the very departments that are contracting out for the war effort, to see that justice is done. Hopefully, that may have occurred yesterday, to remind all those folks that in a very difficult environment, a war zone, we still have to obey the rule of law and, particularly, when it comes to the rights of Americans, and particularly American women, to be protected and to have the full extent of the law to support their rights.

I bring this to the attention of the Senate because this is not the last time we are going to hear about this issue and, hopefully, the next stories we will hear in the aftermath of this drama that played out in front of the Senate Foreign Relations Committee yesterday will be more a story of success, of how the wheels of the Department of Justice will continue to turn to, as the Good Book says, love mercy and to do justice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

GREEN ENERGY TAX CREDITS

Ms. CANTWELL. Mr. President, I rise this morning to talk about the Ensign-Cantwell amendment we are going to be voting on shortly.

I thank the many cosponsors of the amendment, which I believe are somewhere in the 20 range, too many to read. With the actual Cantwell-Ensign bill that was introduced last Thursday, I think we have over 40 cosponsors. It is safe to say there has been much enthusiasm about this idea of moving forward on extending expiring green energy tax credits and doing so in a way that we can get the requisite votes we need for the measure to become law and be signed by the President.

I also want thank Senators BAUCUS and GRASSLEY for their continued focus on green energy tax credits, they understand that we need to move forward on leveling the playing field between the fossil fuel industry and making investments in green energy technology. I know the Finance Committee has had many conversations about this issue, and I am sure they will continue to make it a top priority.

I particularly want to thank my colleague Senator ENSIGN of Nevada, with whom I have had an opportunity to work on several issues in the past such as protecting electricity consumers, ratepayers, from the Enron debacle, to now working with him on these green energy tax credits. I applaud him for standing up and taking the lead and understanding how renewable energy will play a key role in our Nation's economy moving forward, certainly the Nevada economy, and the need to provide a level playing field to keep this year's investment cycle going. Senator ENSIGN understands that, and I appreciate his leadership in getting the other side of the aisle to participate in the sponsorship of this amendment.

I also want to thank Senator REID who, being from Nevada, understands how important the solar energy and the green energy tax credits are for his State's economy, but he also understands the national economy depends on us moving off of fossil fuels. I appreciate his steadfast support in getting this legislation passed. We are fortunate to have Senator REID on our side in the upcoming negotiations with the House, we need to make sure this legislation is actually passed by the House and signed into law.

We are at this point because we believe the investments in green energy tax credits, production tax credits for wind and other renewables, investment tax credits for solar, fuel cells, and for other promising energy sources, and the efficiency tax credits that are in this legislation are stimulative. They are stimulative. We voted in this body to put them as part of a stimulus package, and the Senate Finance Committee said we think in addition to checks going to households, some activity that would keep investment and create jobs in 2008 should be a priority.

Mr. President, this is a stimulative measure that would keep about 100,000 jobs and keep and protect about $20 billion of investments this year. That is why it is part of this underlying bill, and we hope the House will look at this

issue as stimulative activity, along with the accompanying housing measure.

The reason why this is so urgent is because the end of the first quarter is here. Companies that are making these investment decisions are going to start issuing their first quarter reports, giving guidance as to the rest of the year and their investments. If we do not make it clear as a Congress that we believe in these tax credits, they are going to start canceling projects.

I know I have been to the floor and said this previously, but now have the last month's numbers as it relates to actual job loss, the 80,000 jobs that have been lost in our economy, and if you looked deeply, you would probably find some of those jobs are these energy-related jobs, where we have not given predictability to investors and, consequently, they are starting to cancel projects.

This Senator does not want to see the next quarter's numbers and see the greater job losses because Congress would not give predictability in the tax code. This is a time when our economy needs investment. It needs investment in those activities that are going to help consumers in the long run lower their energy costs, but, frankly, this is an investment we can make right now that will help our economy create much needed new jobs and investment.

What is our goal? I know many of my colleagues would say: Let's go back to the drawing board and see if we can find a pay-for way of doing this. I am sure this discussion is going to come up in the House of Representatives as well. But I remind my colleagues, we have tried that approach three times. We have tried that approach, and we have failed. The White House has issued veto threats every time we tried to pay for these measures. To now say we are going to revert back to that I think is going to leave in jeopardy the investment cycle for 2008 of that 100,000 jobs and $20 billion of investment.

A more positive way to proceed is to get this particular legislation passed and signed into law so we do not lose the investment in the jobs, we do not see a 77-percent plunge in the investment in wind like we did last time the PTC was allowed to expire. Or see a drop off in solar or renewables or efficiency and the other areas that are just starting to take off. Instead we should get this off the table, signed into law, and we have plenty of time later this year to talk about how we are going to make green energy tax credits a priority in our Nation's tax code so this industry can take off and continue to provide the certainty and predictability we need.

What I am saying is, we should not pin a gold medal on our chest for work we should have done in 2007 to give the market predictability on green energy tax credits. This work is actually late to the game. Let's finish it and be proud we did so in a bipartisan fashion to break the logjam, but now let's get on to the rest of the year in coming up with a funding source for what are predictable tax credits beyond the 2008 and 2009 time period that will really stimulate the millions of green-collar jobs America can have.

The urgency of this issue should not be underestimated. The opportunity for America to become a leader in green energy technology is at our doorstep today. But if the United States does not realize it needs to put its foot on the accelerator, then we are not doing our job in communicating the facts. The Europeans, the Chinese, and the rest of the world are going to move ahead in the manufacturing of green energy technology. The United States can be a leader in that new green-collar industry or it simply can be a marketplace for other countries' technology solutions.

This Senator wants the United States to be a green energy technology leader. I want us to be an exporter of the green energy technologies developed and manufactured here at home, creating jobs in the United States and leveraging the know-how we have in green energy technologies to provide much needed solutions around the globe.

To do that, the United States has to give predictability in our tax code. It has to recognize we are willing to turn our ship off the fossil fuel direction and on to green energy solutions that will help our economy, help our environment, and help shift the change we need in our foreign policy.

I hope my colleagues will take this vote on the Ensign amendment this morning with a lot of foresight into the debate that is going to continue to happen and to support the Ensign-Cantwell amendment, to sign onto the underlying bill to say it is time for us to move forward on this solution and to urge our House colleagues to work diligently to quickly put this legislation on the President's desk so we can get about the other vital energy tasks we must address.

There is much work to do, but let's vote today with enthusiasm that the United States is going to be more aggressive in turning to green energy solutions and to make the United States a leader in green energy technology.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. 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.

## ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Republican time be allocated to the following Senators for 5 minutes each: myself, Senator HATCH, Senator CORNYN, Senator KYL, Senator BROWNBACK, and Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, there is a strong sentiment in the Republican caucus that President Bush's nominees for judicial confirmation have not been fairly treated. We have not had a single confirmation of a Federal judge this year. I know we have some listed today, but up until this moment there has not been a single confirmation. There was no hearing for any circuit court nominee from September of last year until February 21 of this year, and only one circuit court nominee has had a hearing in over the past 6 months. This is totally unacceptable.

In the last 2 years of President Clinton's administration, 15 circuit judges and 54 district judges were confirmed; thus far in this Congress, only 6 of President Bush's circuit judges and 34 district judges have been confirmed. Even with confirmation of those on the list today, President Bush is far behind where President Clinton stood.

The Fourth Circuit is a judicial emergency. The nominations of Judge Conrad and Mr. Matthews are long overdue. Peter Keisler, a very distinguished nominee for the DC Circuit, has languished for an interminable period of time. There are not adequate reasons for failure to move the nominees in Maryland, New Jersey, and Rhode Island, and I am negotiating now with Senator CASEY on the pending nomination of Gene Pratter for the Third Circuit. Thomas Farr in North Carolina deserves confirmation to the district court, as does Davis Dugas in Louisiana, James Rogan in California, and William Powell in West Virginia.

So a number of Republican Senators will be coming to the floor today to protest what has been going on. I believe the Republican caucus is correct on this issue. I deviated from a Republican caucus position and voted to confirm qualified nominees of President Clinton, and I was prepared to stand up and to say that it is the constitutional prerogative of the President to nominate and the constitutional obligation of the Senate to consent or to dissent—to not consent—to nominees, but not to hold them in limbo and not to fail to have appropriate consideration of these judges.

There is a growing movement in the Republican caucus to hold up legislation if we cannot move in any other way to get justice on the confirmation of these judges. It is a time-honored practice in this body to put holds on legislation or holds on nominations or otherwise to delay legislation from being considered. I think that it is a very problematic tactic myself, but it is used frequently by the minority to get some action by the majority.

I think that it is only fair to note that in some quarters within the Republican caucus there is consideration at the present time to holding up the patent reform bill. Now, the patent reform bill is a very important piece of legislation—very important—to reform the patent laws and to protect intellectual property and to maintain American competitiveness—very important legislation. But the confirmation of Federal judges is also very important. Very important indeed.

Now, Senator LEAHY, Senator HATCH, and I have been engaged in very extensive discussions to try to come to agreement on the substance of a patent reform bill. We have had many conversations. Every day for the past many days—including yesterday—we have had several discussions between myself and Senator LEAHY, between myself and Senator HATCH, and yet we do not have it right, in my judgment. We are very close on a critical issue of inequitable conduct. We certainly have to stop the surge of litigation where there is no reasonable basis to do so, and I think the inequitable conduct provision, which I have been pressing for, is indispensable. Perhaps we have agreement there, but it may be conditioned on something else. The damage provision is not yet satisfactory, and I think we have to get it right even if it takes time.

Now, I am aware that the majority leader would like to move ahead with a bill, with a window which may be open in the immediate future. There is nothing to stop any other Senator from introducing the bill in its present form and to take it up and to take up the disagreements we have on damages, for example, and to vote on them. There is the issue of cloture on a motion to proceed, and I would not anticipate difficulty on that unless the Republican caucus moves ahead with a judgment that we are not going to permit the patent reform bill to move ahead, as a matter of leverage to get fair and equitable treatment on the judges. At this moment, I am not prepared to say where I would be on that issue. It would be my hope that we could work these matters out and that Senators could come to an agreement on these matters.

Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I would hope that there could be agreement on the issue of judges, that we could find a way to deal with Peter Keisler, and that we could find a way to deal with the nominations of Judge Conrad and Mr. Matthews and others in the Fourth Circuit so that we do not have to resort to using leverage like withholding consent on other legislation, which would prevent moving ahead with cloture on a motion to proceed. I am available to discuss this with Members on the other side of the aisle.

So it is my hope that we will not tie up the patent bill, but that is a possibility if we can't find some equitable way to handle this judge issue. To repeat, I am available to discuss it with colleagues on both sides of the aisle to find some sensible way to deal with it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise this morning to join my colleagues because I share their concerns about the immediate need to schedule hearings and then up-or-down votes on 10 highly qualified judicial nominees currently pending before the Senate Judiciary Committee.

This immediate need for judicial confirmations is especially true in the U.S. Court of Appeals for the Fourth Circuit, which serves the residents of Virginia, Maryland, North Carolina, South Carolina, and West Virginia. As a matter of fact, there are currently 19 judicial emergencies across the United States, 9 including circuit court judicial emergencies, and it is imperative that the Senate do its duty to schedule hearings and then have votes on the nominees who have been sent over by the White House.

The Fourth Circuit is currently operating without a third of its judges. The Washington Post observed that:

> The Senate should act in good faith to fill vacancies, not as a favor to the President but out of respect for the residents, the businesses, defendants and victims of crime in the region the 4th Circuit covers.

I sincerely hope the distinguished chairman of the Judiciary Committee will work with Republican Members to remedy this unfortunate and untenable situation in the Fourth Circuit. Chairman LEAHY and I have a solid record of working together on a bipartisan basis on a variety of issues, ranging from open Government to public corruption, and I am hopeful we can add this to that list.

I am also grateful for his cooperation in dealing with two recent Fifth Circuit nominees. The latest of these Fifth Circuit nominees is Catharina Haynes, a distinguished member of the bar in Dallas, TX, and former State court judge. In February, the chairman held a hearing for Ms. Haynes. That hearing, by the way, was the first—and is still the only—circuit nominee hearing that has occurred since last September. Thus, the problem is painfully obvious. We need more hearings and more markups of nominees and more votes on the floor.

Later today, the Senate will vote on Ms. Haynes's nomination and, I hope, confirm her to the Federal bench. She is an outstanding circuit court nominee, well qualified in terms of her legal ability, her experience, and her judicial temperament. Her nomination has not been contentious or controversial. I am pleased our colleagues on the other side of the aisle have rejected manufactured criticism of her record and the calls from the hard-left interest groups to stop her nomination from moving forward. I can only assume that my Democratic colleagues see these charges for what they are: reckless smears.

I am hopeful we can persuade our Democratic colleagues to reject similarly spurious claims against the many well-qualified nominees who deserve to have hearings and who deserve up-or-down votes in committee and on the Senate floor.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, one of my colleagues was recently quoted as saying that facts are stubborn things.

The facts are that the majority has virtually shut down the judicial confirmation process.

Some say that the process always shuts down in a Presidential election year, so I checked every one since I was first elected.

By today, April 10, in each of those Presidential election years, the Judiciary Committee had held hearings for multiple appeals court nominees.

But this year, only one appeals court nominee has had a hearing, and there is not another one on the schedule.

The Judiciary Committee held no confirmation hearing at all last month, and last week's hearing was yet another one with no appeals court nominee.

The facts are just as stubborn when we look at the entire 110th Congress.

Since I was first elected, there have been seven Congresses like this one that included a Presidential election year.

During each of these Presidential election Congresses, the Judiciary Committee held hearings for an average of 25 appeals court nominees.

But today, more than 15 months into the 110th Congress, the Judiciary Committee has held a hearing for only five appeals court nominees.

This amounts to just one-fifth of the average for previous Presidential election seasons.

If the partisan roles were reversed and the pace of hearings for appeals court nominees had slowed to perhaps one-half or one-third of the historic average, I can guarantee you that my friends across the aisle would be down here raising the roof about how we were failing to do our confirmation duty.

In fact, when I chaired the Judiciary Committee under the previous President and the hearing pace was actually much faster than it is today, they did complain early, loudly, and often.

But the pace today is worse than one-half, worse than one-third, worse even than one-fourth of the historic average.

The current Judiciary Committee hearing pace for appeals court nominees is the worst in decades.

In fact, there is no current pace at all.

Or look at what is going on or I should say what is not going on, here on the Senate floor.

The current Judiciary Committee chairman in the past often insisted that 1992 provides the standard for judicial confirmation progress.

Like today, his party controlled the Senate and a President Bush was in the White House.

By this time that year, by April 10, 1992, the Senate had already confirmed 25 nominees to the Federal bench.

It does not look like the Senate will confirm 25 judicial nominees for the entire rest of the year.

This afternoon we will finally have the opportunity, the first opportunity of the year, to vote on a few nominees to the Federal bench.

The majority has stalled judicial confirmation votes longer this year than in any Presidential election year since 1848.

Yes, you heard me right.

This is the latest start to judicial confirmations of any Presidential election year in 160 years.

That was the century before last. That was before Utah even became a territory, let alone a State.

The last time the Senate waited this long in a Presidential election year to confirm Federal judges, James Polk, the 11th President, was in the White House.

What could possibly explain such abject confirmation failure?

I might have missed it, but I am not aware of any domestic armed conflict today that is disrupting the Senate's business.

Yet the Civil War did not stop the Senate in 1864 from confirming seven judges before April 10.

Senators today do not have to use horses or carriages or travel on dirt roads.

Yet slow, burdensome travel did not stop the Senate in 1884 from confirming five judges before April 10.

The Great Depression did not stop the Senate in 1932 from confirming 14 judges before April 10.

The possibility of the Senate majority party capturing the White House did not stop Republicans in 2000 from confirming seven judges, including five appeals court judges, before April 10.

Today is April 10, 2008, and we will not confirm a single nominee to the Federal bench until this afternoon and even this late start was noticed only yesterday.

Facts are indeed very stubborn things.

The majority has already virtually shut down the judicial confirmation process.

The Senate has not always operated this way.

The majority is refusing to do what the American people sent us here to do because—I guess, simply—they can.

That may be the reason, but it certainly is no excuse.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, in our country over the last couple of hundred years, you never know what party is going to control the Senate or the Presidency. As a result, in doing the people's business, both parties have operated somewhat by tradition with respect to the nomination and confirmation of judges. It is important because it happens that, more often than not, in the last 2 years of a Presidency the other party controls the Senate. That has been the case in the last three Presidencies, and this Presidency. In this case a Republican is the Chief Executive and the Democratic Party controls the Senate. That has been the tradition.

As a result, and since we do not know whether a Republican or a Democrat is going to be elected President next time or which party is going to control the Senate, it has been understood by both parties that you do not play politics when it comes to confirming judges because, while you may be able to stop the other party's President's nominations one time, they might be able to stop yours next time. Besides which, it is not good government. It is not doing the people's business. The President was elected fair and square. He has the right to submit judicial nominees and it is the Senate's obligation under the Constitution to act on those nominees.

That is why my colleagues and I have pointed out the historical record, that, for example, since the Reagan and Clinton and first Bush administrations, during the last 2 years of the administration, when the other party controlled the Senate, the average for confirmation of circuit nominees is 17. The last President was President Clinton, Republicans controlled the Senate, but we confirmed 15 of his nominees for circuit judge in his last 2 years.

If we were to do the same thing with regard to President Bush, we would have to confirm nine more circuit judges because there have only been six confirmed last year—none this year. The pace at which circuit judges are acted on ordinarily is a relatively slow pace. We would have to do two a month for the remaining time we are in session in order to achieve that. In fact, that would include the months of August and September, when we are not likely to be here in August and September is not likely to be a month where we would confirm judges. So we literally would have to confirm about three a month in order to achieve the same number as Clinton.

Why are those numbers important? Not just because it is what we should be doing. The President has made nominations. The Judicial Conference says many of these are judicial emergencies, meaning we have vacancies in the circuits that need to be filled because there are not enough judges to do the people's business. We should do it because we should do it; it is our responsibility. But even if you only look at it from a political standpoint, the reality is that if this tradition is broken—of 15, 16, 17 judges in the last 2 years of the administration—then clearly we are going to devolve into a situation where, for political purposes, the party in power decides not to support—not even to have votes on—the nominees of the President. That is very bad.

It is important that we maintain this tradition of doing at least 15—and we should do more than that—circuit judges in the last 2 years.

My colleagues have spoken to different judges. ARLEN SPECTER, the senior Senator from Pennsylvania, who is the ranking Republican on the Judiciary Committee, specifically mentioned Peter Keisler, who has been pending the longest. He has been pending for almost 2 years. In fact, he was nominated to the District of Columbia Circuit Court in June of 2006 and received a hearing in August of that year. He is widely regarded as well qualified, fair minded, and has received support from all over the political spectrum. He is a graduate magna cum laude from Yale University. He received his law degree from Yale Law School. He clerked for a judge on the DC Circuit and for a Justice in the U.S. Supreme Court. He served in the White House Counsel's Office, has been in private practice, joined the Justice Department where he was assistant attorney general for the civil division and was even Acting Attorney General during a brief time between the time that Judge Gonzales left the Attorney General's position and Judge Mukasey took his place.

The American Bar Association has rated him ''unanimously well qualified.'' You cannot get a higher rating than that. The Washington Post—no particular friend of this administration—editorialized in favor of Keisler, describing him as a ''highly qualified nominee'' who ''certainly warrants confirmation.''

Keisler was also the subject of an editorial from the Los Angeles Times, which called him a ''moderate conservative,'' and supported his nomination.

There have been some who say we should not fill the last seat on the DC Circuit because it doesn't have as many cases as other circuits. There was a point in time when that was true and I even noted that. But the reality is that today its caseload is increasing. It needs to be filled and Peter Keisler is one of the nominees who should be supported.

I urge my colleagues to find a way to hold the hearings and to bring these nominees to the floor so the Senate can do its business and act on the nominees of the President for the circuit courts.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleagues in saying that this is the time for us to move. I am delighted to see the majority leader and the majority whip here on the floor as well, to talk, because there is a practical effect of what is soon to take place around here if we don't start moving judges soon, and specifically circuit court judges. This is something

I don't want to see taking place, but I think you heard from the Senator from Pennsylvania—a respected, open-minded Member of this body—that if we do not start approving some circuit court judges in some significant numbers—I think my colleague from Arizona mentioned hitting some of the historic averages, or at least getting close to it—I think you are going to see people start to jam the body down and say that unless we start approving some circuit court judges, business is not going to happen around here.

I think people will understand why. Circuit court judges are positions that are significant, that are long lasting, that are needed, and yet nominees are not being approved. Why are they not being approved? We have qualified nominees who are in the queue who have been waiting for a long period of time. I have one to talk about here, Judge Robert Conrad in the Fourth Circuit. The seat to which he has been nominated is a judicial emergency. We have a third of the positions on the Fourth Circuit that are open. It is a judicial emergency. His nomination is supported by both home State Senators. They want this position. In North Carolina, Senator BURR and Senator DOLE both support this nominee. He is highly qualified. The ABA says this is a highly qualified nominee, meeting their highest standard of ''unanimously well-qualified.'' This is an individual who has been previously approved by this body for a Federal judgeship, and has now been nominated to move from the Federal district court bench to the circuit court bench. It is a judicial emergency. Yet Judge Conrad's nomination languishes and has languished for over 250 days.

I think clearly what we are setting up right now is for not much to happen in the Senate. I think what you are going to see starting to take place—and we are serving notice here today, if we do not start moving these nominees at some regular pace—qualified people who fit the criteria, who should move on through, business is going to slow down in this body. It may come to a complete standstill if we do not start getting some judges.

We should not go that route. I urge my colleagues, I urge the chairman of the committee and the ranking member, to sit down and say: OK, what can we work out on circuit court judges? District court judges? What can we get worked out so the business of the Senate can move forward? Without that, things are going to slow down here. Things are not going to get done. It is going to be because we are not getting anywhere close to reasonable numbers of circuit court judges approved. I want to say that clearly. That is where this is all headed.

The majority party can choose to go that route. That is what is going to end up taking place. It is going to be about judges. We are going to have a big debate then across the country on that. Meanwhile, the whole Nation wants us to get work done and we are not getting it done because judges are not being approved.

I hope the majority party would sit up and say we are going to approve this many, that many, we are going to get these moving through in some reasonable fashion so the body can do its job. Judge Conrad is one of those who deserves a hearing. If there are challenges to him on the basis that we don't think he is qualified, we don't like what he said here or there—fine, hold a hearing so we can get those out in the air. Clearly, if we do not start moving some judges in reasonable numbers, you are going to start seeing this body start to not move much through, as we begin to protest not getting judges approved.

We should not go that route. I hope we do not have to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have sat here and listened and I have some outline notes from which to speak, but I am not sure we should. The very thing we are talking about is what America wants to spit out, in terms of their elected representatives. The Senate has an obligation to offer advice and consent. There is no question judges are important. That is why you are here, seeing a demonstration from the minority today, of judicial committee members, because we know it is important. It is important across the country because making law from the bench is something that is the antithesis of what most freedom-loving Americans want. The idea that we want to have judges who know their role, know the role of interpreting law rather than making law, is something with which the vast majority of Americans agree.

But I am struck by the fact that gamesmanship is taking place—not just in terms of the majority but also the minority. We are in a game now. How do we move this? How do we leverage this? How do we force it?

My disheartenment comes from the fact—why are we here in the first place? Why did we get here, when we know what the role of the Senate is in terms of advice and consent.

My hope is we do not see a devolution to parliamentary maneuvering, to raise the issue above where it should be.

I am reminded of the fact that the majority had problems with four of President Bush's nominees, starting in January. He withdrew those. In a gesture of good will, he withdraw four nominees who were not—although they were well qualified, they were not acceptable to movement down the road. Now we have highly qualified judges in districts that are judicial emergencies that get actually slandered by the chairman of the committee about supposedly an anti-Catholic statement—when they are Catholic in their faith. So we offer criticism to somebody and never offer them a venue in which to defend themselves.

That is not what America expects of this body. That is not what it expects of the Judiciary Committee. My hope is the majority leader will say: There is a deal to be struck here. Let's do what we can so we don't spend our time on the business of creating wedge issues that don't further the best interests of this country. Give President Bush five or six more, seven or eight more district court nominees, all of which are qualified, bring them to the floor. Let's get it done so it doesn't interfere with other important work. It is time for the Senate to make good on promises. It is time for it to reciprocate for what President Bush did in terms of withdrawing the four nominations. My hope is we will think about what is in the best long-term interest of the country and not the next election.

I thank the Chair.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask if the distinguished Senator from Tennessee is ready to make his remarks, we should do it now. The two managers are not here, but I am sure they would not care. Then when you complete your remarks, we will go forward.

Mr. ALEXANDER. I am prepared to go ahead.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd-Shelby amendment No. 4387, in the nature of a substitute.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue

Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

AMENDMENT NO. 4429

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to amendment No. 4429 offered by the Senator from Tennessee, Mr. ALEXANDER. The Senator from Tennessee and the Senator from Nevada, Mr. ENSIGN, each have 5 minutes for debate.

The Senator from Tennessee.

Mr. ALEXANDER. I ask that the Chair let me know when 2 minutes remain because Senator KYL may be back as a cosponsor.

Mr. President, I rise in favor of the Alexander-Kyl amendment No. 4429, which we hope is a helpful amendment to the Ensign-Cantwell amendment. Let me try to say this in two different ways. If you care about climate change, here is what our amendment will do. It will extend from 1 year to 2 the production tax credit for all qualified renewable sources of electricity. In other words, these emerging renewable energies, which have the capacity to work 24 hours a day, would have 2 years, as well as wind.

Second, it would mean that wind would not get all the money but that some others would have more time to respond to the incentives we are creating with these tax credits. Let me use a story to illustrate. Let's say a family has several children. One of them older. Dad calls a meeting and says: I have $3 billion extra, which is the amount of money we are talking about for the Ensign-Cantwell amendment. Let's give it to the overgrown son who is still living at home who has gotten most of the allowance money for the last 16 years. Let's give him another year. Mom, who is a little wiser, says: It is nice for you to want to give an allowance to the children, but what about all these other children—open-loop biomass and small irrigation power and landfill gas and trash combustion. Instead of giving all the money to the son living at home, let's give some to all the children, including the overgrown son. That is what we would do if we adopt the Alexander-Kyl amendment.

According to the Energy Information Administration, the production tax credit Senator ENSIGN wants to extend for a year, 97 percent of it went to wind in Fiscal Year 2007, which has gotten most of our renewable electricity tax credit money since 1992. So the Ensign-Cantwell amendment is being advertised as helping renewable energy. It adds another $3 billion over the next 10 years to the $11 billion we have already invested in wind and these other promising children. Wind only works when it wants to. These emerging technologies might work when they are told to. We would like to include them. Wind would still get more of the money than anybody else, but it would not get 97 percent. It would not get almost all of it.

There is another reason to favor the Alexander-Kyl amendment. That would be if you care about the spending of tax dollars. According to the Energy Information Administration, we spend 53 more times per megawatt hour on wind than we do on coal in subsidies, and coal provides half our electricity. We spend 94 more times on wind per hour than we do on natural gas which produces clean electricity; 15 times more on wind per megawatt hour than we do on nuclear; 26 more per megawatt hour than we do on biomass; 25 times more than we do on geothermal; 35 times more than we do on hydroelectric; 17 times more than we do on landfill gas. We spend 27 times more per megawatt hour to subsidize wind, a proven technology that only works when it wants to, than we do on all the other renewables, 27 to 1. That is not a wise use of tax dollars.

We urge support for the Alexander-Kyl amendment so these technologies, and wind as well, will have a 2-year extension of the tax credit instead of 1 and so all these promising children can help with climate change and clean air rather than giving all the money to one overgrown son who ought to be out on his own by now.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask the Chair to notify me when 2½ minutes remain. First, I'd like to thank Senator CANTWELL for her leadership in the last few weeks that we have worked together on drafting a bipartisan compromise making sure that we help renewable energy become more of the power supply to the United States. We all believe from an economic standpoint, that it will help create jobs and new technologies as well as help the economy not only now, but into the future. Renewable energy helps the environment. It is cleaner than fossil fuels and makes us less dependent on foreign sources of energy. A lot of the money we send overseas is to folks who are not exactly friendly to the United States.

The Ensign-Cantwell amendment is supported by a broad range of industries as well as environmental groups.

I ask unanimous consent that the following two letters of support be printed in the RECORD.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
*Washington, DC, April 8, 2008.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, I urge you to support the Cantwell-Ensign Clean Energy Tax Stimulus amendment number 4419 to H.R. 3221, housing legislation currently being considered on the Senate floor. This amendment would, among other provisions, extend incentives for clean and renewable energy that are set to expire at the end of this year.

U.S. manufacturers, large and small, have a substantial concern for affordable domestic energy supplies and improved energy efficiency. As a key component to reducing energy demand, increasing energy efficiency will go a long way to lowering energy costs and increasing economic competitiveness. By promoting energy efficiency and the development of renewable and alternative energy sources, the package of incentives included in the Cantwell-Ensign amendment represents an important step in securing our nation's energy security without raising taxes.

The NAM's Key Vote Advisory Committee has indicated that votes on the amendment offered by Senators Maria Cantwell (D–WA) and John Ensign (R–NV) will be considered for designation as Key Manufacturing Votes in the NAM voting record for the 110th Congress. Eligibility for the NAM Award for Manufacturing Legislative Excellence will be based on a member's record on Key Manufacturing Votes.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
*Executive Vice President.*

AMERICAN CHEMISTRY COUNCIL,
*Arlington, VA, April 4, 2008.*

Hon. MARIA CANTWELL,
*U.S. Senate,*
*Washington, DC.*

Hon. JOHN ENSIGN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CANTWELL AND SENATOR ENSIGN: The American Chemistry Council wishes to convey its strong support for the ''Clean Energy Tax Stimulus Act of 2008,'' (S. 2821), introduced yesterday by you and cosponsored by a large bipartisan group of Senators. The ACC has long advocated for a balanced portfolio of energy policies that advance energy efficiency, fuel diversity, and new supply sources. S. 2821, in its current form, contains a number of critical and cost effective energy efficiency and energy production incentives. We urge the Senate to take up the measure quickly and approve it without attaching any of the controversial ''pay for'' provisions that have prevented the passage of these beneficial incentives in the past.

The members of the ACC use natural energy resources to make the products that allow our customers to save energy. The products of chemistry go into energy-saving materials used throughout the economy, such as insulation, weatherization equipment, lightweight vehicle parts, lubricants, coatings, energy efficient appliances, solar parts and windmill blades. For example, the use of just one product, insulation in buildings, results in a net benefit to society of 40 BTUs of energy saved for every BTU used to produce the product. We applaud the provisions of the bill that would encourage the use of energy efficient products.

Similarly, we appreciate that this bill does not include provisions that would increase tax burden on the oil and gas industry, which is a key supplier to and a customer of the American chemical industry. As you know, worldwide demand for energy has pushed our industries power and feedstock prices to dangerously high levels. In the first half of the

decade our fuel and feedstock costs have increased by more than $100 billion. Our global competitors do not face similar cost pressures. Our vital industry has lost $60 billion in business to overseas competitors and more than 110,000 high-paying jobs have disappeared. Additional taxes on the companies supplying these feedstocks will increase costs to our industry, result in high costs of our industry's inputs and make it more difficult to compete in the global market. You are to be commended for not linking discriminatory and damaging taxes to the very laudable energy efficiency and energy production policy objectives of the bill.

The American Chemistry Council urges the Senate to pass S. 2821, as it is a critical plank in a broader energy policy platform, and for you to strenuously resist including tax increases that constrain the supply of feedstocks that the industry needs to competitively make our energy efficiency products.

Sincerely,

JACK N. GERARD,
*President and CEO.*

Mr. ENSIGN. It is supported by everybody from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Real Estate Roundtable, the American Chemistry Council, the Sierra Club, the National Resources Defense Council, as well as hundreds of other businesses and organizations.

This, however, is a delicate compromise. Three times in the past there have been attempts to pass a renewable energy bill. They have all failed. This is our chance to actually pass something that can be signed into law. Unfortunately, the Alexander amendment would break the delicate balance. We need to defeat the Alexander amendment and pass the Ensign-Cantwell amendment if we truly want to encourage renewables into the marketplace in a much larger way in the United States. It is good for the country, good for the environment, and good for the economy.

I urge a defeat of the Alexander amendment and adoption of the Ensign-Cantwell amendment.

I yield the remainder of my time to Senator CANTWELL.

Ms. CANTWELL. How much time remains?

The ACTING PRESIDENT pro tempore. There is 2½ minutes.

Ms. CANTWELL. Mr. President, I rise in opposition to the Alexander amendment. Along with my colleague from Nevada, we reached a very delicate balance to get this legislation where it is today. I would hate to see that balance disturbed by the proposal the Senator from Tennessee is offering about wind. The reality is our nation is still only producing a small percentage of renewable energy, and we could produce much more. To curtail investment in one of the most promising renewable technologies at this point would be premature. We have to realize what we are trying to do is create continued incentives not just for the long-term, and this legislation is aimed at saving this year's investment cycle. If the Senator from Tennessee wants to have a discussion later about long-term clean energy investments and what that horizon should be, this Senator is more than happy to talk to him about that. But this amendment before us is about the near term.

The bottom line is that we are trying to do is create stimulus for this year, we are trying to save the investment in the production tax credits, the investment tax credits, and efficiency tax credits. For example, PG&E has proposed purchasing 553 megawatts of power, which is the size of a typical natural gas or coal plant, from a concentrating solar facility in the Mojave Desert. If we don't pass this legislation, we are going to lose about $1.5 to $2 billion in investment and a big opportunity to increase the tax base of San Bernardino County, CA.

Another example, Butte, MT, has one of the largest polysilicon plants in the world, producing feedstock material for solar panels. Expansion of this plant, an investment over $1 billion, is on hold because we haven't given predictability in the tax code.

Passing this amendment will also give consumers efficiency credits of up to $500. Using that credit on insulation for example could save homeowners over 20 percent on their annual heating and cooling bills. The production tax credits in the underlying Ensign amendment, not the Alexander amendment, as a result in the next 3 to 5 years, we will have enough green renewable power to power 35 cities the size of Seattle. If we agree to the Ensign amendment instead of the Alexander amendment, with the investment tax credit, it will build enough solar power, and 1.1 million homes could instead have the power of solar and more renewable green energy. I encourage my colleagues to turn down the Alexander amendment and vote for the Ensign amendment.

Mr. BYRD. Mr. President, it has been written that King of England Edward I—known as the ''Hammer of the Scots''—once tried to prohibit London's burning of coal. He is said to have proclaimed, ''Be it known to all within the sound of my voice, whoever shall be found guilty of burning coal shall suffer the loss of his head.''

Coal has always had its critics. Despite them, coal has not only endured, it has prevailed. It fueled America's Industrial Revolution in the 19th century. It fueled America's naval battleships in the early 20th century. It possesses the bright potential to help America get out from under the thumb of foreign oil-wielding despots in the 21st century.

The coal industry has evolved in the last centuries, shaped by safety and environmental critiques. It has professed a willingness to evolve further. But the harsh attacks and efforts to demonize coal on the campaign trail are becoming increasingly irresponsible and inflammatory, and destructive. Coal miners hear these comments, and what are they to think? They are patriotic Americans. They risk their lives every day underground. They reside in the coalfields, where they live honest, modest lives, and where they attend church and teach their children solid values. And they vote. The last thing they deserve is to have their profession—or to have their father's profession—demonized.

These kinds of comments are counterproductive to the challenges that lie in front of us. If our Nation is to regain its independence from foreign oil, we must rely on coal. There is no getting around that reality.

Coal produces half of the electricity consumed by the American people. It is a cheap, abundant resource in a time when the American people demand stable, reliable energy prices. The U.S. military is already making long-term investments in liquid-coal technology. The chunk of rock that once burned in a stove will soon be widely used in fuel tanks of aircrafts, cars, trucks, and buses, and just about anything else we need it for. Coal will be around for a long, long time.

I support a broad energy portfolio. Renewable energies have their place in that portfolio, but they are not a panacea. Certainly one renewable energy alone, like wind, will not guarantee our Nation's energy independence. We need to expand our use of other renewable and alternative fuels. Solar is important, geothermal is showing promise, tidal has great possibilities, and biomass—particularly when combined with coal to help immediately reduce emissions that concern us all—is certainly a fuel worth investing in.

It is clear to me that the intent of the Ensign/Cantwell amendment is good, but the benefit of the Alexander amendment is greater. And so I will cast my vote with those who seek a broader investment in renewable energies that is also grounded in the realities of the continuing promise of coal.

Mr. DODD. Mr. President, I rise today to discuss the Ensign-Cantwell amendment to the housing bill. This amendment extends expiring tax credits for renewable energy production and development and tax credits for energy efficient homes and buildings.

Let me be perfectly clear. I fully support extending these tax credits. I voted for them last December when we tried to attach them to the Energy bill. I supported them again when we considered the economic stimulus package in February. I am in fact an original cosponsor of the freestanding legislation this amendment is based on. I have long argued that we have a responsibility to put our nation on a path toward energy independence. In addition to making us better stewards of the environment, this is also vitally important to protecting our national security by reducing our dependence on foreign fossil fuels. Done responsibly, it can also spur economic growth and create tens of thousands of new good-paying green collar jobs.

However, I felt compelled to oppose the Ensign-Cantwell proposal as an

amendment to the housing bill. In my view, however, the housing bill simply was the wrong legislative vehicle for this initiative. As I have said many times, nearly 8,000 people every day are facing foreclosure—8,000 people every single day are losing their homes and must cope with uncertain and difficult financial futures for themselves and their families. Working this week with Senator SHELBY, the majority and minority leaders, and others, I felt it my responsibility to shepherd through a basic set of policies that will help mitigate this housing crisis. This bill did clearly not include everything I would have liked, but it provides a critical first step, and it was imperative in my view that we act quickly to stem this national housing crisis without being sidelined by other matters, regardless of their merit.

I wish to thank my colleagues Senator CANTWELL and Senator ENSIGN for their commitment to clean, renewable energy and their leadership on the issue. For the reasons I have given, I wish this proposal could have been advanced differently. However, I remain committed to working with them and all the Members of this body to achieve the goal of energy independence.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has 55 seconds.

Mr. ALEXANDER. Mr. President, let me emphasize this point. No. 1, the Alexander-Kyl amendment has more certainty. It extends the production tax credit from 1 year to 2 for all these. Second, the distinguished Senator from Washington mentioned solar power. Solar asked to be out of the production tax credit 3 years ago because all the money in the production tax credit was going to wind. In the Energy Policy Act of 2005, I was the lead sponsor of the amendment adding the investment tax credit for solar power. No one loses under the Alexander amendment No. 4429, except wind is treated similar to everybody else. It gets 1 cent per kilowatt hour. That means it will still get more of the money than anybody in the production tax credit. But open-loop biomass, all these emerging renewable technologies will suddenly have a fighting chance to get some of the money that since 1992 has almost all gone to one proven technology. That is not a wise use of taxpayer dollars. It is not a good use of funds to continue to over subsidize wind, which is now a mature energy technology. Two years instead of one is a vote yes.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ENSIGN. I ask unanimous consent for the yeas and nays on both the Ensign and Alexander amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be and is a sufficient second.

The yeas and nays are ordered on both amendments.

The Senator from Washington.

Ms. CANTWELL. I ask unanimous consent that in any sequence of votes after the first vote, the time be limited to 10 minutes each and that prior to each vote, there be 2 minutes of debate available, equally divided and controlled in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 4429.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 79, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—15

| | | |
|---|---|---|
| Alexander | Cochran | Sessions |
| Bennett | Gregg | Shelby |
| Bunning | Isakson | Vitter |
| Byrd | Kyl | Voinovich |
| Chambliss | McConnell | Wicker |

NAYS—79

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Allard | Durbin | Murkowski |
| Barrasso | Ensign | Murray |
| Baucus | Enzi | Nelson (FL) |
| Bayh | Feingold | Nelson (NE) |
| Biden | Feinstein | Pryor |
| Bingaman | Graham | Reed |
| Bond | Grassley | Reid |
| Boxer | Hagel | Roberts |
| Brown | Hatch | Rockefeller |
| Brownback | Hutchison | Salazar |
| Burr | Inhofe | Sanders |
| Cantwell | Inouye | Schumer |
| Cardin | Johnson | Smith |
| Carper | Kennedy | Snowe |
| Casey | Kerry | Specter |
| Coburn | Klobuchar | Stabenow |
| Coleman | Kohl | Stevens |
| Collins | Landrieu | Sununu |
| Conrad | Lautenberg | Tester |
| Corker | Leahy | Thune |
| Cornyn | Levin | Warner |
| Craig | Lieberman | Webb |
| Crapo | Lincoln | Whitehouse |
| DeMint | Lugar | Wyden |
| Dodd | Martinez | |
| Domenici | McCaskill | |

NOT VOTING—6

| | | |
|---|---|---|
| Clinton | Harkin | Menendez |
| Dole | McCain | Obama |

The amendment (No. 4429) was rejected.

Ms. CANTWELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to Ensign amendment No. 4419.

There are 2 minutes for debate equally divided. Who seeks time?

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, just very briefly, this is our chance, a bipartisan chance, to have renewable energy in this country in a big way. It will preserve over 100,000 jobs in the United States. Let's help us become less dependent on foreign energy. Let's help the environment in the United States. I encourage all Members to vote aye.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN: I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—88

| | | |
|---|---|---|
| Akaka | Ensign | Mikulski |
| Allard | Enzi | Murkowski |
| Barrasso | Feingold | Murray |
| Baucus | Feinstein | Nelson (FL) |
| Bayh | Graham | Nelson (NE) |
| Bennett | Grassley | Pryor |
| Biden | Gregg | Reed |
| Bingaman | Hagel | Reid |
| Bond | Harkin | Roberts |
| Boxer | Hatch | Rockefeller |
| Brown | Hutchison | Salazar |
| Brownback | Inhofe | Sanders |
| Burr | Inouye | Schumer |
| Cantwell | Isakson | Shelby |
| Cardin | Johnson | Smith |
| Casey | Kennedy | Snowe |
| Chambliss | Kerry | Specter |
| Coburn | Klobuchar | Stabenow |
| Cochran | Kohl | Stevens |
| Coleman | Landrieu | Sununu |
| Collins | Lautenberg | Tester |
| Conrad | Leahy | Thune |
| Corker | Levin | Vitter |
| Cornyn | Lieberman | Warner |
| Craig | Lincoln | Webb |
| Crapo | Lugar | Whitehouse |
| DeMint | Martinez | Wicker |
| Domenici | McCaskill | Wyden |
| Dorgan | McConnell | |
| Durbin | Menendez | |

NAYS—8

| | | |
|---|---|---|
| Alexander | Carper | Sessions |
| Bunning | Dodd | Voinovich |
| Byrd | Kyl | |

NOT VOTING—4

| | |
|---|---|
| Clinton | McCain |
| Dole | Obama |

The amendment (No. 4419) was agreed to.

FIRST-TIME HOMEBUYERS' TAX CREDIT

Mr. CARDIN. Mr. President, in a short while, the Senate will be voting to approve H.R. 3221, the Foreclosure Prevention Act. It is a good bill with some good provisions; namely, $10 billion for mortgage revenue bonds, $4 billion for community development block grants, and $200 million for foreclosure prevention counseling. I regret, however, that we missed two opportunities to make it even better. The first missed opportunity was our failure to adopt Senator DURBIN's provision regarding bankruptcy. I am still mystified why a bankruptcy judge can reduce the principal or modify the mortgage loan terms on a vacation home but not on a primary residence. The second missed opportunity, in my estimation, was our inability to adopt an amendment Senator ENSIGN and I offered to establish a $7,000 nonrefundable tax credit for first-time homebuyers. I regret that the Parliamentarian ruled our amendment out of order and we never had a chance to vote on it.

The amendment Senator ENSIGN and I offered was timely, targeted, and temporary: eligibility for the credit would be phased out for single filers whose adjusted gross income, AGI, is between $70,000 and $90,000; for married couples filing a joint return, eligibility for the credit would be phased out if their AGI is between $110,000 and $130,000. These phase-out levels are identical to the phase-out levels contained in the District of Columbia's first-time homebuyers' tax credit. The credit would be available only for the purchase of a primary residence made within 1 year of the date of enactment.

We need to encourage prospective buyers to get off the sidelines and back into the market. An important segment of that population—39 percent nationwide—consists of first-time homebuyers. Recently, first-time homebuyers have accounted for 65 to 67 percent of sales in Baltimore.

The District of Columbia had a similar tax credit and it worked. Through the end of last year, first-time homebuyers who purchased a home in the District were eligible for a $5,000 tax credit. The credit helped 3,000 to 4,000 people become home owners each year, and it boosted buyers' interest in neighborhoods where home ownership rates lagged.

I think this amendment, if adopted, would have made a good bill better. I hope the House will incorporate a first-time homebuyers' tax credit provision in its version of this bill.

Mr. ENSIGN. I would like to associate myself with the remarks from the junior Senator from Maryland regarding the Cardin-Ensign first-time homebuyers' tax credit amendment. We worked together as members of the House Ways & Means Committee and I was pleased to be able to work with him again on this amendment here in the Senate. The foreclosure problem is particularly acute in Nevada; in fact, we have the highest rate of foreclosures in the Nation. Last year, according to RealtyTrac.com, we had 66,316 foreclosure filings—a 215 percent increase over 2006 and a 760-percent increase over 2005. We have nearly 35,000 properties in foreclosure, which is 3.4 percent of all households. This tidal wave of economic misfortune is swamping the housing market in my home State. The amendment Senator CARDIN and I offered would have helped to stabilize the market and I am disappointed that the Senate didn't have a chance to vote on it.

Mr. BAUCUS. I would say to my colleagues from Maryland and Nevada that I, too, think that in the current economy, a temporary tax credit is a meritorious idea. I commend the Senators for working so hard on their amendment and I can understand their disappointment. It appears that, yesterday, the Ways and Means Committee adopted a credit more along the lines the Senators have proposed. I look forward to working with the House in a conference to craft a homebuyer tax credit that will help the housing market recover. There are many things we can and should do to help homeowners and a targeted, temporary homebuyer credit is one of them.

Mr. CARDIN. Mr. President, I would like to thank the chairman of the Senate Finance Committee for his remarks, which I find encouraging. I look forward to working with him and with my colleague from Nevada on this matter.

• Mr. MCCAIN. Mr. President, there is a justifiable feeling of anger and worry across America today regarding the ongoing housing crisis. Millions of Americans are currently bearing a heavy burden to keep their family homes and desperate for relief. The clamor for the Federal Government to act quickly has been heard by the Senate and we are now set to vote on a bipartisan package that will offer some assistance to suffering homeowners.

Without action, the pain of the foreclosure crisis will not only be felt by the millions of American families who stand to lose their homes but by all Americans. Congress must confront this reality and pass legislation that has three key components: it is temporary in nature, has an immediate goal of helping cash-strapped but credit-worthy home owners stay in their homes, and prevents a mortgage crisis from happening again.

The bill before the Senate is not perfect, but it does contain several provisions that I support and believe can help our housing market—for both mortgage borrowers and lenders—now and in the future. It is important to avoid situations in which homeowners owe more money than their home is worth. Unfortunately, that has become too common a scenario in part because many homeowners never had much equity in their home to begin with. This bill contains a provision that would ensure homeowners avoid this situation by requiring a modest increase in the downpayment necessary for Federal Housing Administration-insured mortgages. This legislation can also offer some relief to borrowers by increasing the amount of FHA-insured loans, which typically carry lower interest rates. Additionally, it is also vital to have well-informed borrowers who understand the terms and obligations in a mortgage agreement and provide lenders with accurate and easily understood financial information. The bill expands the early disclosures requirements under the Truth In Lending Act and requires a new disclosure informing borrowers of the maximum monthly payments possible under their loans. While these provisions should help bring about some relief, I do not think we should kid ourselves into believing that this bill is the panacea for our housing crisis.

I am supporting this bill and thank its bipartisan sponsors. However, I do want the record to be clear that I remain concerned over the inclusion of several provisions that do not adhere to my principles for mortgage relief and question the effectiveness of these provisions in delivering needed assistance to home owners. Mr. President, again, I thank those who have worked so hard on this measure on both sides of the aisle, and I look forward to acting on this important subject.•

Mr. KOHL. Mr. President, today the Senate threw a lifeline to homeowners facing the specter of foreclosure. This legislation includes valuable resources for communities, homeowners, and industry to combat the downturn in the housing market.

In my home State of Wisconsin, foreclosures have risen at an alarming rate. Compared to last year, foreclosures have increased by 145 percent. Many of these foreclosed properties were connected with subprime loans with adjusting interest rates. A combination of lax lending standards and the creation of exotic financial products gave lenders the ability to offer people who would not qualify before the chance to own a home. However, there was little concern on whether or not the person or family would be able to sustain home ownership. Because of the irresponsibility of some lenders, families across the country have lost their homes and more are soon to follow if help does not come.

One of the provisions included in the Foreclosure Prevention Act increases funds for housing counseling services. These nonprofit housing counseling agencies help homeowners connect to their lenders and renegotiate terms that will allow them to keep their homes. The money is estimated to help close to 500,000 families stay in their homes. Another very important provision provides $4 billion in community development block grant for communities to purchase and redevelop foreclosed-upon properties. This will enable localities to purchase unoccupied

properties which drag down neighboring home prices and are easy targets for criminal activity. By rehabilitating these blights, communities will be able to prevent further loss of property value while at the same time providing affordable housing units. Other important provisions include providing a temporary tax refund to help struggling businesses stay afloat and including reforms to the Federal Housing Administration to make it easier for low- and moderate-income families utilize the home ownership programs.

The housing crisis has shed light on the complexity and problems in our Nation's lending system. Many homeowners were rushed through the process without truly understanding the terms and conditions of their loans. The Foreclosure Prevention Act will amend the Truth in Lending Act to require lenders to fully disclose the terms and conditions of the loan and to provide the home buyer with the maximum loan payment they will have to make. This simple change will enable future home buyers to make informed decisions regarding their mortgage and enable them to plan accordingly.

While this bill is not the final answer to the housing crisis, it is a step in the right direction. There are still many issues that need to be resolved in order to avoid a similar housing and economic downturn. We must consider revising lending standards to protect future home buyers, increasing our affordable rental housing stock and ensuring we create sound fiscal policies that promote the economic well-being of each and every American.

Mr. WARNER. Mr. President, I wish to speak about the legislation currently before the Senate. The Foreclosure Prevention Act of 2008 seeks to provide assistance to families and businesses adversely affected by the decline of the values of real estate.

While I support many of the worthy initiatives in this bill, such as the Federal Housing Authority modernization provisions and other resources to assist communities devastated by foreclosures, there are several provisions that cause me to withhold my support at this time. I note that the bill will go to a conference committee with the House of Representatives, and subsequent to their work, I will revisit this legislation.

America, our Republic, rests on basic and time tested principles. Among them is our free enterprise system. The foundation of this system must not be unduly influenced from excessive government interference.

Again, while this legislation contains a number of worthy initiatives, respectfully, in my view, this legislation as a whole overreaches and fails this basic test.

Mr. FEINGOLD. Mr. President, I support the Foreclosure Prevention Act of 2008 because it provides targeted relief to homeowners facing foreclosure and communities dealing with the negative effects of increasing numbers of foreclosures. Unfortunately, this bill also includes provisions that would not provide assistance to those most in need and it is my hope that those provisions will be modified or removed during the conference process. While I have reservations about some of the provisions in this bill, on balance, the legislation takes a step towards addressing some of the problems in the housing industry by increasing mortgage disclosures provided to borrowers and providing more housing counseling to homeowners facing foreclosure. I hope as Congress moves forward on this bill and other related housing measures we make sure that the legislation is crafted to help those most in need.

It is estimated that at least 2 million Americans may face foreclosure on their homes in the coming months and years, which will not only have a devastating impact for those individual families, but will also have significant negative impact on the communities in which those homes are located. Various cities report that increased numbers of foreclosures and the concentration of foreclosures in certain neighborhoods can lead to increased instances of vandalism, crime, and theft. We need to act now to provide assistance that will help keep American families in their homes both for the good of those families and also for the good of whole neighborhoods.

While Wisconsin has not been as hard hit as other regions of the country, foreclosures are in the rise in the state and a number of Wisconsinites have told me about their concerns about the effects of rising number of foreclosures on communities around the state. I have heard from local government officials who are concerned about holding lenders accountable for maintaining abandoned homes and ensuring the abandoned homes do not fall into disrepair. I have heard from housing advocates concerned about borrowers who may have been misled into taking out a subprime loan and now face the prospect of losing their homes. And I have heard from dedicated lawyers and counselors who are trying to provide counseling and other services in order to help individual and families through these tough times.

If these personal stories are not enough to urge us to act, available foreclosure data should also move us to take steps to address the rising number of foreclosures around our country. One report, by the Center for Responsible Lending, looks at the effects of subprime loans issued in 2005 and 2006 throughout the Nation, including in Wisconsin. According to the center's analysis, there were over 60,000 subprime loans issued in 2005 and 2006 in Wisconsin and close to 12,000 of these homes financed by a subprime loan during those years may be foreclosed upon. Additionally, the foreclosures from these subprime loans may result in over 550,000 surrounding homes in my State of Wisconsin experiencing a decline in their value. These statistics are alarming and unfortunately are replicated in States around the country.

This bill does take some good steps towards trying to address the rising number of foreclosures around the country. I am pleased that this bill includes an additional $150 million in housing counseling funds for 2008 and $30 million to provide legal services to homeowners dealing with the possible foreclosure of their homes. These funds are to be used to assist families facing foreclosure reach agreements with their lenders so that they can remain in their homes while also making reasonable payments on the amount owed on the home. Congress appropriated funding for counseling services as part of the fiscal year 2008 omnibus appropriations bill and reports indicate that these funds are a cost-effective use of Federal resources. I am disappointed that the Senate did not provide the full $200 million in housing counseling funds that was included in the original bill introduced by Senator REID in February. I am hopeful that we can continue to look for fiscally responsible ways to increase access to foreclosure counseling services in the coming months in order to assist more families in their attempts to restructure payments.

I was also pleased to support the increased Community Development Block Grant, CDBG, funds that were included in the Foreclosure Prevention Act. CDBG is an immensely popular Federal program that provides a flexible source of funding for States and local governments to address the unique problems facing their communities. States and localities will be able to use these CDBG funds for a variety of purposes including: establishing methods to purchase foreclosed homes, rehabbing these homes in order to sell or rent them out, and demolishing foreclosed homes that are contributing to neighborhood blight. The increased number of foreclosures is impacting States and local communities in unique ways, and providing flexibility in the use of these CDBG funds is essential to help communities make the best possible use of this money. I was particularly pleased that the negotiators of this bill agreed to require that 25 percent of the CDBG funds provided in this bill be used to redevelop foreclosed homes for families or individuals whose income is at 50 percent of the area median income or less. While this targeting could be even stronger, it will help ensure that the Americans most in need are not left out of the Federal assistance provided in this legislation.

The additional mortgage disclosures included in this package will do much to help ensure that future borrowers, whether taking out a first mortgage or refinancing their existing mortgages, better know the terms of the mortgages and how much they can expect to pay every month. While it is true that some borrowers fully knew that they

were getting in over their heads when they took out mortgages, other borrowers did not understand the terms of their loans or were misled by lenders. The changes that this legislation makes to the Truth in Lending Act, TILA, will help to prevent some of the egregious lending practices that have gone on in the past from occurring again. While this provision is a good step forward, much more needs to be done to rein in predatory lending. I hope that the Senate can move quickly on comprehensive predatory lending legislation this year.

Unfortunately, there were some tax provisions included in this legislation that will not directly help families and individuals facing foreclosure on their homes. I am particularly disappointed that the single largest provision in the bill is a tax break that bails out some of those businesses whose actions helped aggravate the housing crisis.

I was also disappointed that the Senate voted to table the Durbin amendment which would have removed a provision in bankruptcy law that prevents mortgages on primary residences from being modified during bankruptcy. According to advocates, the Durbin amendment could have helped approximately 600,000 individuals or families remain in their homes. It is the single most effective thing that could be done to reduce foreclosures. Unfortunately, this amendment faced stiff resistance in the lending community, even though mortgages on vacation homes and luxury items such as yachts can be modified in bankruptcy under current law. Senator DURBIN even worked to narrow the amendment to address some of the lenders' concerns. Even after these reasonable modifications, the lending community remained opposed to the amendment, and the Senate bowed to this opposition. That is unfortunate. The Durbin amendment was a measured response targeted at homeowners facing extreme hardship. I voted for Senator DURBIN's stand-alone legislation on this last week in the Judiciary Committee, and I hope the Senate can move this proposal forward in the coming weeks and months.

With respect to the renewable energy amendment offered by Senators ENSIGN and CANTWELL, while I continue to support extending critical renewable energy tax provisions, I am disappointed that this amendment was not offset. I also oppose the amendment's section 105 language. It unfortunately does not reflect the latest compromise reached within both the House and Senate as reflected in H.R. 6, which passed the House on December 2, 2007; S. Amdt 3841, which I supported on December 13, 2007; and H.R. 5351. I am pleased, however, that Senator CANTWELL has committed to working with me to ensure this provision is fixed to correct its overly broad definition, which poses a unique but serious threat to Wisconsin. Unless modified, the bill's language could have the unintended consequence of penalizing Wisconsin, which has a unique, State-mandated independent transmission model, by incentivizing its existing independent transmission company to sell assets to another independent transmission company. The provision is intended to only apply to vertically integrated utilities and I am pleased by my colleagues' willingness to work with me and Senator KOHL to preserve this intent.

I have reservations about some of the provisions in this bill, but I will support the final bill because the bill does provide some important assistance to individuals and communities and it is important that we get the CDBG and housing counseling funds to States and local communities as soon as possible. The high number of foreclosures around our country has caused much suffering among individual homeowners and throughout local communities and we need to take action now to help these homeowners and communities rebuild their lives and neighborhoods. I hope that this bill can be improved during conference negotiations and that Congress will address the unresolved housing issues we face, including the need for stronger predatory lending laws and the need for more affordable housing for low income Americans. The problems in the housing industry and their broader impact on the Nation's economy are serious issues that will require the involvement of all levels of government as well as both private and nonprofit organizations. This bill represents a step forward in those efforts, but much more remains to be done.

Mr. AKAKA. Mr. President, I support the Foreclosure Prevention Act of 2008. I thank Chairman DODD and Ranking Member SHELBY for their work to develop a meaningful bill to help address the housing crisis in our country. Too many working families are losing their homes, credit access has been significantly reduced, and our economy has slowed. This act will help alleviate the challenges faced by homeowners.

Hawaii's foreclosure rate increased by more than 88 percent last year, for a total of 1,270 families who had their homes foreclosed. The loss of a family home can be financially and emotionally devastating. Compared with other States, Hawaii has not suffered as much during this housing crisis. However, foreclosure statistics do not reflect the many families who are having difficulties making mortgage payments after their adjustable interest rate mortgage reset or having to sell at a significant loss due to an unexpected transfer or a loss of a job.

This much needed bipartisan legislation will help protect homeowners across the country, prevent foreclosures, and assist our Nation's veterans. This legislation will modernize and improve the Federal Housing Administration, FHA, to provide homeowners with additional access to fixed rate mortgages. Additional resources will be provided by this bill for housing counseling to assist homeowners in finding solutions to their difficult situations. In addition, mortgage disclosures will be made more meaningful to consumers by this bill.

I also appreciate the inclusion of a provision that is derived from legislation that I introduced last month, S. 2768. That legislation would correct an oversight in the Economic Stimulus Act and extend the temporary home loan guaranty increase to veterans so that more of them can realize the dream of home ownership.

The VA Home Loan Guaranty was part of the original GI bill in 1944. It was signed into law by President Franklin D. Roosevelt and provided veterans with a federally guaranteed home loan with no down payment. So as World War II was ending, landmark legislation made the dream of home ownership a reality for millions of returning veterans. Today, more than 25 million veterans and servicemembers are eligible for VA home loan guarantees.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Act of 2004. The maximum guaranty amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, since the Freddie Mac conforming loan limit for a single family residence in 2008 is $417,000, VA will guarantee a veteran's loan up to $104,250, or 25 percent of the Freddie Mac limit. This guaranty exempts homeowners from having to make a down payment or secure private mortgage insurance.

The newly enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly $730,000 in the highest cost areas, while leaving the VA limit of $417,000 in place.

I urge all of my colleagues to support this measure so that this important group of Americans may benefit from an increased home loan guaranty in this time of economic uncertainty.

This legislation would also increase benefits for specially adapted housing for disabled veterans. This legislation would authorize VA to pay an additional $10,000 to those eligible for assistance pursuant to section 2101(a), title 38, United States Code, increasing the total amount of funds available per grant to $60,000. Individuals eligible for assistance pursuant to section 2101(b) would be able to receive an additional $2,000 in assistance, increasing the total amount of funds available per grant to $12,000.

Increases in housing and home adaptation grants have been infrequent, despite the fact that real estate and construction costs are continually on the

rise. Unless the amounts of the grants are adjusted, inflation erodes the value and effectiveness of these benefits, making it more difficult for beneficiaries to afford the accommodations they need. This provision would go a long way in making certain that specially adapted housing benefits meet the current needs of America's veterans.

We must enact this legislation quickly to help homeowners remain in their homes, stabilize the economy, and provide much needed improvements to veterans' housing benefits.

Mr. LEVIN. Mr. President, the progress this bill represents is overdue. The foreclosure crisis is dire, and there is much still to be done. But this bill offers some immediate help.

Over the past few months, I have hosted a series of roundtable meetings in Michigan communities with leaders from local and State government, as well as organizations that are in the trenches working with families facing foreclosure, to discuss practical ways to help homeowners and protect our economy from further damage. When I have asked for their feedback on this bill, they think it would help address a number of the problems they highlighted.

Across Michigan, communities would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently there are not funds to meet the growing demand. This bill provides Federal block grants to areas with the highest foreclosure rates and filings to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values and neighborhoods. In addition, taxpayers who purchase a home that has been foreclosed upon will be eligible for a tax credit.

This bill also provides funding for much needed pre-foreclosure counseling. I am encouraged by the good work currently being done by many counseling organizations who are trying to help families avoid foreclosure. But across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track.

This bill also helps address the critical need for more affordable loans to help families refinance and stay in their current homes. States are authorized to issue new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. Providing refinancing options for homeowners in potentially solvent situations is an important component in the effort to reverse the current tide of foreclosures.

Ending the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. There is much more we need to do, but this bill represents a long overdue start. I am hopeful that an even stronger version will return quickly to the Senate from a House/Senate conference committee so we can get much-needed help to people in Michigan as soon as possible.

Mr. BAUCUS. Mr. President, I am proud to have worked with my colleague CHUCK GRASSLEY on the important tax relief measures in this bill. They will help homeowners, homebuyers, and homebuilders. And I urge my colleagues to support them.

The tax provisions in the bill come to a little over $10 billion over 10 years.

The bill creates a standard property tax deduction for homeowners who do not itemize their Federal taxes. And that deduction will help low- and middle-income homeowners to afford to keep their homes.

The bill increases funding for mortgage revenue bonds. And those bonds will help homeowners and homebuyers to obtain affordable loans.

The bill provides a substantial credit to buyers of foreclosed homes. And that credit will help to stabilize local markets and restore property values.

The bill allows companies losing money—and laying off employees—to write off current losses and bolster struggling operations. And that ability to carry over losses will help struggling companies to keep workers on the payroll.

There is no magic solution to this housing crisis. This bill is just plain responsible policy. It addresses a lot of irresponsible actions that led to serious trouble for many Americans and for our economy.

To respond to this crisis, Senator GRASSLEY and I crafted provisions that support American families and American workers. These folks deserve to keep their homes. And they deserve to keep their jobs.

This bill will put real money in their pockets. It will do so through tax relief. And it will do so through continued paychecks from companies that use the tax relief in the bill to survive.

I urge my colleagues to support this bill. Let's send it to the House. Let's send its tax relief to American homeowners, homebuyers, and homebuilders. And let's speed this help to American families and American workers.

Mr. REID. Mr. President, the U.S. Senate will soon have the opportunity to vote for legislation that will help lift struggling homeowners, neighborhoods and our economy.

This bipartisan housing bill—forged through compromise and cooperation on the part of Senator DODD, Senator SHELBY and others, is not perfect.

It is not a magic bullet that will solve the problem. Either coauthor would be the first to say that. But it is an important step.

Experts now predict 3 million foreclosures in the next 2 years. Another 45 million homeowners will experience reduced value in their homes as a result of these foreclosures.

Nevadans are facing the fallout of this crisis more than any other state.

In February alone, one out of every 165 homes was in foreclosure. That is the highest rate in America.

Nevada's economy is suffering, just as it is throughout America, and this bill will help begin to turn things around.

If passed into law, the housing bill now before us would improve the prospects and options for families and communities all across our country.

During our country's last great banking crisis in the 1930s, the Federal Housing Administration, FHA, was created to stabilize the economy and help Americans secure the benefits of homeownership.

Over the past three quarters of a century, millions of American families have become homeowners with the help of the FHA.

But the rules that govern the FHA have limited the effectiveness of the program.

Our housing bill addresses this problem by modernizing the FHA. One of the principal benefits will be to permanently raise loan limits to $550,000 and to introduce more flexibility into the lending process.

President Bush has announced his support for FHA modernization. Democrats and Republicans in Congress agree that it is the right thing to do for American families.

This bill will achieve that crucial and bipartisan goal.

Among the many little-noticed consequences of the war in Iraq is that thousands of service men and women stationed overseas are struggling to meet their mortgage obligations.

The sacrifice of our men and women in uniform is more than enough. They should not ever be forced to sacrifice their homes.

Our housing bill will help avoid that terrible prospect. We extend for service members the protection period against foreclosure and make it easier for them to afford their mortgages.

These are just some of the important provisions that this bill includes.

But as I have said before, we must recognize that the upcoming vote is just the beginning of a process that begins here in the Senate and will continue in the House of Representatives.

I hope that when the process is complete, we will have a strengthened bipartisan bill that will do even more to help families, communities and our economy.

Yesterday, the administration announced a new program at the FHA that would insure new loans that refinance existing mortgages for homeowners who are ''underwater,'' meaning that they owe more than their house is now worth.

There are reports that 9 million homeowners are now under water. The

administration's proposal is predicted to help just 100,000 of them.

It is encouraging that President Bush is beginning to address the core of the crisis, but his proposal does not go far enough.

Chairman DODD and Congressman BARNEY FRANK have been discussing a similar proposal for weeks that could help as many as 2 million.

The importance of our work to help our country weather this crisis cannot be overstated.

This week, the Washington Post reported that experts at the Federal Reserve have said this:

> The nationwide drop in home prices could put the economy in uncharted territory, as there are no clear precedents for how consumers will respond.

It is time for Congress to take action. Our vote today marks not the end but the beginning of that process.

AMENDMENT NO. 4387

The PRESIDING OFFICER. Under the previous order, amendment No. 4387, as amended, is agreed to. The motion to reconsider is considered made and laid on the table.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—84

| | | |
|---|---|---|
| Akaka | Carper | Graham |
| Alexander | Casey | Grassley |
| Allard | Chambliss | Harkin |
| Baucus | Cochran | Hatch |
| Bayh | Coleman | Hutchison |
| Bennett | Collins | Inouye |
| Biden | Conrad | Isakson |
| Bingaman | Cornyn | Johnson |
| Bond | Craig | Kennedy |
| Boxer | Dodd | Kerry |
| Brown | Domenici | Klobuchar |
| Brownback | Dorgan | Kohl |
| Burr | Durbin | Landrieu |
| Byrd | Ensign | Lautenberg |
| Cantwell | Feingold | Leahy |
| Cardin | Feinstein | Levin |
| Lieberman | Pryor | Specter |
| Lincoln | Reed | Stabenow |
| Lugar | Reid | Stevens |
| Martinez | Roberts | Sununu |
| McCaskill | Rockefeller | Tester |
| McConnell | Salazar | Thune |
| Menendez | Sanders | Vitter |
| Mikulski | Schumer | Voinovich |
| Murkowski | Sessions | Webb |
| Murray | Shelby | Whitehouse |
| Nelson (FL) | Smith | Wicker |
| Nelson (NE) | Snowe | Wyden |

NAYS—12

| | | |
|---|---|---|
| Barrasso | Crapo | Hagel |
| Bunning | DeMint | Inhofe |
| Coburn | Enzi | Kyl |
| Corker | Gregg | Warner |

NOT VOTING—4

| | |
|---|---|
| Clinton | McCain |
| Dole | Obama |

The bill (H.R. 3221), as amended, was passed, as follows:

H.R. 3221

*Resolved*, That the bill from the House of Representatives (H.R. 3221) entitled ''An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Foreclosure Prevention Act of 2008''.*

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


*Sec. 1. Short title; table of contents.*

*TITLE I—FHA MODERNIZATION ACT OF 2008*

*Sec. 101. Short title.*

*Subtitle A—Building American Homeownership*

*Sec. 111. Short title.*
*Sec. 112. Maximum principal loan obligation.*
*Sec. 113. Cash investment requirement and prohibition of seller-funded down-payment assistance.*
*Sec. 114. Mortgage insurance premiums.*
*Sec. 115. Rehabilitation loans.*
*Sec. 116. Discretionary action.*
*Sec. 117. Insurance of condominiums.*
*Sec. 118. Mutual Mortgage Insurance Fund.*
*Sec. 119. Hawaiian home lands and Indian reservations.*
*Sec. 120. Conforming and technical amendments.*
*Sec. 121. Insurance of mortgages.*
*Sec. 122. Home equity conversion mortgages.*
*Sec. 123. Energy efficient mortgages program.*
*Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.*
*Sec. 125. Homeownership preservation.*
*Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.*
*Sec. 127. Post-purchase housing counseling eligibility improvements.*
*Sec. 128. Pre-purchase homeownership counseling demonstration.*
*Sec. 129. Fraud prevention.*
*Sec. 130. Limitation on mortgage insurance premium increases.*
*Sec. 131. Savings provision.*
*Sec. 132. Implementation.*
*Sec. 133. Moratorium on implementation of risk-based premiums.*

*Subtitle B—Manufactured Housing Loan Modernization*

*Sec. 141. Short title.*
*Sec. 142. Purposes.*
*Sec. 143. Exception to limitation on financial institution portfolio.*
*Sec. 144. Insurance benefits.*
*Sec. 145. Maximum loan limits.*
*Sec. 146. Insurance premiums.*
*Sec. 147. Technical corrections.*
*Sec. 148. Revision of underwriting criteria.*
*Sec. 149. Prohibition against kickbacks and unearned fees.*
*Sec. 150. Leasehold requirements.*

*TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS*

*Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.*
*Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.*
*Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.*
*Sec. 204. Limitation on distribution of funds.*

*TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES*

*Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.*
*Sec. 302. Nationwide distribution of resources.*
*Sec. 303. Limitation on use of funds with respect to eminent domain.*
*Sec. 304. Counseling intermediaries.*

*TITLE IV—HOUSING COUNSELING RESOURCES*

*Sec. 401. Housing counseling resources.*
*Sec. 402. Credit counseling.*

*TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT*

*Sec. 501. Short title.*
*Sec. 502. Enhanced mortgage loan disclosures.*
*Sec. 503. Community Development Investment Authority for depository institutions.*
*Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.*

*TITLE VI—TAX-RELATED PROVISIONS*

*Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.*
*Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.*
*Sec. 603. Credit for certain home purchases.*
*Sec. 604. Additional standard deduction for real property taxes for nonitemizers.*
*Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.*
*Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.*
*Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.*
*Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.*

*TITLE VII—EMERGENCY DESIGNATION*

*Sec. 701. Emergency designation.*

*TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT*

*Sec. 801. Short title; amendment of 1986 Code.*

*Subtitle A—Taxable REIT Subsidiaries*

*Sec. 811. Conforming taxable REIT subsidiary asset test.*

*Subtitle B—Dealer Sales*

*Sec. 821. Holding period under safe harbor.*

Sec. 822. Determining value of sales under safe harbor.

Subtitle C—Health Care REITs

Sec. 831. Conformity for health care facilities.

Subtitle D—Effective Dates and Sunset

Sec. 841. Effective dates and sunset.

TITLE IX—VETERANS HOUSING MATTERS

Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.

Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.

Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.

Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.

Sec. 905. Increase in specially adapted housing benefits for disabled veterans.

Sec. 906. Report on specially adapted housing for disabled individuals.

Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.

Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.

TITLE X—CLEAN ENERGY TAX STIMULUS

Sec. 1001. Short title; etc.

Subtitle A—Extension of Clean Energy Production Incentives

Sec. 1011. Extension and modification of renewable energy production tax credit.

Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.

Sec. 1013. Extension and modification of residential energy efficient property credit.

Sec. 1014. Extension and modification of credit for clean renewable energy bonds.

Sec. 1015. Extension of special rule to implement FERC restructuring policy.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.

Sec. 1022. Extension and modification of tax credit for energy efficient new homes.

Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.

Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE XI—SENSE OF THE SENATE

Sec. 1101. Sense of the Senate.

## TITLE I—FHA MODERNIZATION ACT OF 2008

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''FHA Modernization Act of 2008''.

### Subtitle A—Building American Homeownership

**SEC. 111. SHORT TITLE.**

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

**SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.**

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

''(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

**SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.**

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).''.

**SEC. 114. MORTGAGE INSURANCE PREMIUMS.**

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

**SEC. 115. REHABILITATION LOANS.**

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

**SEC. 116. DISCRETIONARY ACTION.**

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

**SEC. 117. INSURANCE OF CONDOMINIUMS.**

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

**SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.**

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

**SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.**

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

**SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.**

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

**SEC. 121. INSURANCE OF MORTGAGES.**

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

**SEC. 122. HOME EQUITY CONVERSION MORTGAGES.**

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation'';

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(10) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide

*for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).*

*''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.*

*''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—*

*''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—*

*''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or*

*''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—*

*''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and*

*''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.*

*''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.*

*''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).*

*''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.*

*(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—*

*(1) in paragraph (4)—*

*(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';*

*(B) by inserting ''unit'' after ''dwelling''; and*

*(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and*

*(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.*

*(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:*

*''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—*

*''(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—*

*''(A) the costs to the mortgagor; and*

*''(B) the impact of such fees on the reverse mortgage market;*

*''(2) be subject to a minimum allowable amount;*

*''(3) provide that the origination fee may be fully financed with the mortgage;*

*''(4) include any fees paid to correspondent mortgagees approved by the Secretary; and*

*''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.''.*

*(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—*

*(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').*

*(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.*

*(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—*

*(A) the cost to mortgagors of participating in the program;*

*(B) the financial soundness of the program;*

*(C) the availability of credit under the program; and*

*(D) the costs to elderly homeowners participating in the program, including—*

*(i) mortgage insurance premiums charged under the program;*

*(ii) up-front fees charged under the program; and*

*(iii) margin rates charged under the program.*

*(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).*

***SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.***

*Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—*

*(1) by amending subparagraph (C) to read as follows:*

*''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—*

*''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or*

*''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and*

*(2) by adding at the end the following:*

*''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.*

***SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.***

*(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:*

***''SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.***

*''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.*

*''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.*

*''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.*

*''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.*

*(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.*

***SEC. 125. HOMEOWNERSHIP PRESERVATION.***

*The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—*

*(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and*

*(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.*

***SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.*

*(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—*

*(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—*

*(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and*

*(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and*

*(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.*

*(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct*

*a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.*

***SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.***

*Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:*

*(1) in subparagraph (C)—*

*(A) in clause (i), by striking ''; or'' and inserting a semicolon;*

*(B) in clause (ii), by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following:*

*''(iii) a significant reduction in the income of the household due to divorce or death; or*

*''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—*

*''(I) an unexpected or significant increase in medical expenses;*

*''(II) a divorce;*

*''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or*

*''(IV) a large property-tax increase; or'';*

*(2) by striking the matter that follows subparagraph (C); and*

*(3) by adding at the end the following:*

*''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.*

***SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.***

*(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.*

*(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—*

*(1) telephone counseling;*

*(2) individualized in-person counseling;*

*(3) web-based counseling;*

*(4) counseling classes; or*

*(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.*

*(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.*

*(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.*

*(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.*

*(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—*

*(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and*

*(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.*

***SEC. 129. FRAUD PREVENTION.***

*Section 1014 of title 18, United States Code, is amended in the first sentence—*

*(1) by inserting ''the Federal Housing Administration'' before ''the Farm Credit Administration''; and*

*(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.*

***SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—*

*(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and*

*(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—*

*(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and*

*(B) publishes notice of such increase in the Federal Register.*

*(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.*

***SEC. 131. SAVINGS PROVISION.***

*Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.*

***SEC. 132. IMPLEMENTATION.***

*The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.*

***SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.***

*For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).*

***Subtitle B—Manufactured Housing Loan Modernization***

***SEC. 141. SHORT TITLE.***

*This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.*

***SEC. 142. PURPOSES.***

*The purposes of this subtitle are—*

*(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;*

*(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and*

*(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.*

***SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.***

*The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—*

*(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and*

*(2) by striking ''; Provided, That with'' and inserting ''. With''.*

***SEC. 144. INSURANCE BENEFITS.***

*(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:*

*''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.*

*(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.*

***SEC. 145. MAXIMUM LOAN LIMITS.***

*(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—*

*(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';*

*(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';*

*(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';*

*(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and*

*(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).*

*(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C.*

*1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:*

*''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''*

*(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—*

*(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and*

*(2) by adding after and below subparagraph (G) the following:*

*''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.*

***SEC. 146. INSURANCE PREMIUMS.***

*Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—*

*(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and*

*(2) by adding at the end the following new paragraph:*

*''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:*

*''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.*

*''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).*

*''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.*

*''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.*

***SEC. 147. TECHNICAL CORRECTIONS.***

*(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—*

*(1) by striking ''on and after July 1, 1939,'' each place such term appears; and*

*(2) by striking ''made after the effective date of the Housing Act of 1954''.*

*(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:*

*''(c) HANDLING AND DISPOSAL OF PROPERTY.—*

*''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—*

*''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and*

*''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.*

*''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.*

*''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.*

***SEC. 148. REVISION OF UNDERWRITING CRITERIA.***

*(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:*

*''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.*

*(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.*

***SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.***

*Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:*

***''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.***

*''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.*

*''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.*

*''(c) DEFINITIONS.—For purposes of this section—*

*''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and*

*''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.*

*''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.*

***SEC. 150. LEASEHOLD REQUIREMENTS.***

*Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:*

*''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—*

*''(A) expires not less than 3 years after the origination date of the obligation;*

*''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and*

*''(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.*

## *TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS*

***SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.***

*Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—*

*(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or*

*(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.*

**SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.**

*(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.*

*(b) ELEMENTS.—The program required by subsection (a) shall include the following:*

*(1) Credit counseling.*

*(2) Home mortgage counseling.*

*(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.*

*(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).*

**SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.**

*(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—*

*(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.*

*(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.*

*(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—*

*(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—*

*''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or*

*''(B) during the period of military service, in the case of any other obligation or liability.''; and*

*(2) by striking subsection (d) and inserting the following new subsection:*

*''(d) DEFINITIONS.—In this section:*

*''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.*

*''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.*

*(c) EFFECTIVE DATE; SUNSET.—*

*(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.*

*(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.*

**SEC. 204. LIMITATION ON DISTRIBUTION OF FUNDS.**

*(a) IN GENERAL.—None of the funds made available under this title or title III shall be distributed to—*

*(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or*

*(2) an organization which employs applicable individuals.*

*(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—*

*(1) is—*

*(A) employed by the organization in a permanent or temporary capacity;*

*(B) contracted or retained by the organization; or*

*(C) acting on behalf of, or with the express or apparent authority of, the organization; and*

*(2) has been indicted for a violation under Federal law relating to an election for Federal office.*

## TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

**SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.**

*(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.*

*(b) ALLOCATION OF APPROPRIATED AMOUNTS.—*

*(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').*

*(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.*

*(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—*

*(A) the number and percentage of home foreclosures in each State or unit of general local government;*

*(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and*

*(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.*

*(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.*

*(c) USE OF FUNDS.—*

*(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.*

*(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—*

*(A) with the greatest percentage of home foreclosures;*

*(B) with the highest percentage of homes financed by a subprime mortgage related loan; and*

*(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.*

*(3) ELIGIBLE USES.—Amounts made available under this section may be used to—*

*(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;*

*(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;*

*(C) establish land banks for homes that have been foreclosed upon; and*

*(D) demolish blighted structures.*

*(d) LIMITATIONS.—*

*(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.*

*(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.*

*(3) REINVESTMENT OF PROFITS.—*

*(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—*

*(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.*

*(ii) DEPOSITS IN THE TREASURY.—*

*(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.*

*(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.*

*(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.*

*(e) RULES OF CONSTRUCTION.—*

*(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and*

*Community Development Act of 1974 (42 U.S.C. 5301 et seq.).*

*(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.*

*(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—*

*(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.*

*(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.*

*(3) LOW AND MODERATE INCOME REQUIREMENT.—*

*(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—*

*(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and*

*(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.*

*(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).*

*(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.*

***SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.***

*Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).*

***SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.***

*No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.*

***SEC. 304. COUNSELING INTERMEDIARIES.***

*Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.*

***TITLE IV—HOUSING COUNSELING RESOURCES***

***SEC. 401. HOUSING COUNSELING RESOURCES.***

*There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.*

***SEC. 402. CREDIT COUNSELING.***

*(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—*

*(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;*

*(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or*

*(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.*

***TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT***

***SEC. 501. SHORT TITLE.***

*This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.*

***SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.***

*(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—*

*(1) by inserting ''(A)'' before ''In the'';*

*(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';*

*(3) by striking ''before the credit is extended, or'';*

*(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';*

*(5) by striking '', whichever is earlier''; and*

*(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:*

*''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—*

*''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and*

*''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.*

*''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:*

*''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.*

*''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.*

*''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.*

*''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.*

*''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—*

*''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;*

*''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and*

*''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).*

*''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.*

*(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—*

*(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and*

*(2) in the penultimate sentence of the undesignated matter following paragraph (4)—*

*(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and*

*(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.*

*(c) EFFECTIVE DATES.—*

*(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.*

*(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—*

*(A) the compliance date established by the Board for such purpose, by regulation; or*

*(B) 30 months after the date of enactment of this Act.*

***SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.***

*(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—*

*(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.*

*(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.*

***SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.***

*Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—*

*(1) in subparagraph (A), by striking ''or'' at the end;*

*(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and*

*(3) by adding at the end the following:*

*''(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.*

## *TITLE VI—TAX-RELATED PROVISIONS*

***SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.***

*(a) IN GENERAL.—*

*(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:*

*''(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—*

*''(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.*

*''(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—*

*''(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',*

*''(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and*

*''(III) subparagraph (F) shall not apply.''.*

*(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—*

*(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:*

*''(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—*

*''(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and*

*''(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.''.*

*(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting ''amount of such'' before ''deduction described in clause (ii)(I)''.*

*(3) EFFECTIVE DATES.—*

*(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.*

*(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.*

*(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.*

*(b) ELECTION AMONG STIMULUS INCENTIVES.—*

*(1) IN GENERAL.—*

*(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—*

*(i) in paragraph (1), by inserting ''placed in service by an eligible taxpayer'' after ''any qualified property'', and*

*(ii) by adding at the end the following new paragraph:*

*''(4) ELIGIBLE TAXPAYER.—*

*''(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:*

*''(i) This subsection and section 179(b)(7).*

*''(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.*

*''(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).*

*''(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.''.*

*(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.*

*(2) ELECTION FOR INCREASED EXPENSING.—*

*(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:*

*''(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—*

*''(A) the dollar limitation under paragraph (1) shall be $250,000,*

*''(B) the dollar limitation under paragraph (2) shall be $800,000, and*

*''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.*

*(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.*

***SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.***

*(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:*

*''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—*

*''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.*

*''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—*

*''(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,*

*''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and*

*''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.*

*''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.*

*''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.*

*(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—*

*(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:*

*''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—*

*''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—*

*''(i) $10,000,000,000 multiplied by a fraction—*

*''(I) the numerator of which is the population of such State, and*

*''(II) the denominator of which is the total population of all States, or*

*''(ii) the amount determined under subparagraph (B).*

*''(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—*

*''(i) in the case of a State (other than a possession), $90,300,606, and*

*''(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—*

*''(I) a fraction the numerator of which is $90,300,606 and the denominator of which is*

*population of the least populous State (other than a possession), and*

*''(II) the population of such possession.*

*In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.*

*''(C) SET ASIDE.—*

*''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.*

*''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—*

*''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or*

*''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.*

*(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:*

*''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—*

*''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—*

*''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and*

*''(ii) to issue any bond after calendar year 2010.*

*''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.*

*(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—*

*(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—*

*''(I) any qualified 501(c)(3) bond (as defined in section 145), or*

*''(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.*

*Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).''.*

*(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.*

***SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.***

*(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:*

***''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.***

*''(a) ALLOWANCE OF CREDIT.—*

*''(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.*

*''(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.*

*''(b) LIMITATIONS.—*

*''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—*

*''(A) after the date of the enactment of this section, and*

*''(B) before the date that is 12 months after such date.*

*''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—*

*''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over*

*''(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.*

*''(3) ONE-TIME ONLY.—*

*''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.*

*''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.*

*''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.*

*''(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—*

*''(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—*

*''(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and*

*''(ii) which—*

*''(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or*

*''(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.*

*''(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.*

*''(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.*

*''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.*

*''(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—*

*''(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or*

*''(2) fails to occupy such residence as the taxpayer's principal residence,*

*at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.*

*''(f) SPECIAL RULES.—*

*''(1) JOINT PURCHASE.—*

*''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.*

*''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.*

*''(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.*

*''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.*

*''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.*

*(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.*

*(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.*

*(4) Section 25D(c)(2) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.*

*(5) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.*

*(6) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.*

*(7) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:*

*''(38) to the extent provided in section 25E(g).''.*

*(8) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 25E''.*

*(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:*

*''Sec. 25E. Credit for certain home purchases.''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.*

*(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.*

***SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.***

*(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.*

*(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:*

*''(8) REAL PROPERTY TAX DEDUCTION.—*

*''(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).*

*''(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.*

***SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.***

*(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:*

*''(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—*

*''(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—*

*''(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and*

*''(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.*

*''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—*

*''(i) the limitation under section 38(c), and*

*''(ii) the limitation under section 53(c).*

*''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—*

*''(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—*

*''(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over*

*''(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.*

*In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).*

*''(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—*

*''(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,*

*''(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and*

*''(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.*

*''(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.*

*''(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—*

*''(I) $40,000,000, or*

*''(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).*

*''(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).*

*''(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—*

*''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).*

*''(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—*

*''(I) from taxable years beginning before January 1, 2006, and*

*''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).*

*''(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.*

*''(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.*

*''(F) OTHER RULES.—*

*''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.*

*''(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.''.*

*(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.*

***SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.***

*(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—*

*(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and*

*(2) shall not be subject to any penalty under such Code.*

*(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.*

***SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.***

*(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:*

*''(B) without regard to 'and before January 1, 2009' in clause (i) thereof,''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.*

*(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.*

***SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.***

*(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:*

*(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.*

*(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.*

*(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—*

*(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,*

*(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and*

*(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.*

*(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—*

*(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,*

*(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,*

*(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),*

*(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),*

*(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),*

*(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and*

*(G) determined without regard to paragraph (6) thereof.*

*(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.*

*(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—*

*(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and*

*(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.*

*(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.*

*(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—*

*(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,*

*(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,*

*(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,*

*(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and*

*(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.*

*(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.*

*(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—*

*(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,*

*(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),*

*(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,*

*(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),*

*(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),*

*(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,*

*(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),*

*(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),*

*(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and*

*(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).*

*(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.*

## *TITLE VII—EMERGENCY DESIGNATION*

### *SEC. 701. EMERGENCY DESIGNATION.*

*For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.*

## *TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT*

### *SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.*

*(a) SHORT TITLE.—This title may be cited as the ''REIT Investment Diversification and Empowerment Act of 2008''.*

*(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

### *Subtitle A—Taxable REIT Subsidiaries*

### *SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.*

*Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.*

### *Subtitle B—Dealer Sales*

### *SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.*

*Section 857(b)(6) (relating to income from prohibited transactions) is amended—*

*(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',*

*(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and*

*(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.*

### *SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.*

*Section 857(b)(6) is amended—*

*(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and*

*(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:*

*''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.*

### *Subtitle C—Health Care REITs*

### *SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.*

*(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:*

*''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—*

*''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or*

*''(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.*

*(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:*

*''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.*

*''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:*

*''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.*

*''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.*

*''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—*

*''(I) January 1, 1999, or*

*''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.*

*(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—*

*(1) by inserting ''or a health care facility'' after ''a lodging facility'', and*

*(2) by inserting ''or health care facility'' after ''such lodging facility''.*

### *Subtitle D—Effective Dates and Sunset*

### *SEC. 841. EFFECTIVE DATES AND SUNSET.*

*(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.*

*(b) REIT INCOME TESTS.—*

*(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.*

*(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.*

*(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.*

*(c) CONFORMING FOREIGN CURRENCY REVISIONS.—*

*(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.*

*(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.*

*(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.*

*(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.*

## *TITLE IX—VETERANS HOUSING MATTERS*

### *SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.*

*Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:*

*''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.*

*''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.*

### *SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.*

*(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:*

***''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States***

*''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.*

*''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.*

*''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.*

*''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—*

*''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and*

*''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.*

*''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—*

*(A) by striking subsection (c); and*

*(B) by redesignating subsection (d) as subsection (c).*

*(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—*

*(A) in subsection (a)—*

*(i) by striking ''veteran'' each place it appears and inserting ''individual''; and*

*(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';*

*(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';*

*(C) in subsection (c)—*

*(i) by striking ''a veteran'' and inserting ''an individual''; and*

*(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and*

*(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.*

*(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—*

*(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';*

*(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and*

*(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.*

*(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking ''veterans'' both places it appears and inserting ''individuals''.*

*(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—*

*(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and*

*(B) in subsection (b)—*

*(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';*

*(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and*

*(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.*

*(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—*

*(A) in subsection (a)—*

*(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and*

*(ii) by striking ''the veterans''' and inserting ''the individual's'';*

*(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';*

*(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';*

*(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';*

*(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';*

*(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and*

*(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.*

*(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:*

***''§2101. Acquisition and adaptation of housing: eligible veterans''.***

*(B) The heading of section 2102A of such title is amended to read as follows:*

***''§2102A. Assistance for individuals residing temporarily in housing owned by a family member''.***

*(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—*

*(A) by striking the item relating to section 2101 and inserting the following new item:*

*''2101. Acquisition and adaptation of housing: eligible veterans.'';*

*(B) by inserting after the item relating to section 2101, as so amended, the following new item:*

*''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';*

*and*

*(C) by striking the item relating to section 2102A and inserting the following new item:*

*''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.*

### *SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.*

*Section 2101 of title 38, United States Code, is amended—*

*(1) in subsection (a)(2), by adding at the end the following new subparagraph:*

*''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and*

*(2) in subsection (b)(2)—*

*(A) by striking ''either'' and inserting ''any''; and*

*(B) by adding at the end the following new subparagraph:*

*''(C) The disability is due to a severe burn injury (as so determined).''.*

### *SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.*

*Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.*

### *SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.*

*(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—*

*(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';*

*(2) in subsection (d)—*

*(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and*

*(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and*

*(3) by adding at the end the following new subsection:*

*''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.*

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

**SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.**

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 802(a) of this Act) who have disabilities that are not described in such subsections.

**SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.**

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 802(a) of this Act), who reside with family members on a permanent basis.

**SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.**

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

**SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.**

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

## TITLE X—CLEAN ENERGY TAX STIMULUS

**SEC. 1001. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This title may be cited as the ''Clean Energy Tax Stimulus Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### Subtitle A—Extension of Clean Energy Production Incentives

**SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.**

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.''.

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking ''January 1, 2010'' and inserting ''the date of the enactment of paragraph (11)''.

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: ''A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).''.

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

**SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.**

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B) of subsection (c)'' and inserting ''subsection (c)(2)(B)''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

*(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).*

*(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).*

*(e) EFFECTIVE DATES.—*

*(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.*

*(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.*

*(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).*

***SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.***

*(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

*(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—*

*(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.*

*(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—*

*(A) by striking clause (i) in subparagraph (A),*

*(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and*

*(C) by striking '', (2),'' in subparagraph (C).*

*(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—*

*(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:*

*''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—*

*''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—*

*''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over*

*''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.*

*''(2) CARRYFORWARD OF UNUSED CREDIT.—*

*''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.*

*''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.*

*(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.*

*(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.*

*(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.*

*(d) EFFECTIVE DATE.—*

*(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.*

*(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.*

***SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.***

*(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

*(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—*

*(1) by inserting '', and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000'' after ''$1,200,000,000'' in paragraph (1),*

*(2) by striking ''$750,000,000 of the'' in paragraph (2) and inserting ''$750,000,000 of the $1,200,000,000'', and*

*(3) by striking ''bodies'' in paragraph (2) and inserting ''bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)''.*

*(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—*

*(1) by adding at the end the following new paragraph:*

*''(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).'', and*

*(2) by inserting ''; PUBLIC POWER PROVIDER'' before the period at the end of the heading.*

*(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.*

***SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.***

*(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—*

*(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.*

*(b) INDEPENDENT TRANSMISSION COMPANY.—*

*(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking ''December 31, 2007'' and inserting ''the date which is 2 years after the date of such transaction''.*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.*

***Subtitle B—Extension of Incentives to Improve Energy Efficiency***

***SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.***

*(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) QUALIFIED BIOMASS FUEL PROPERTY.—*

*(1) IN GENERAL.—Section 25C(d)(3) is amended—*

*(A) by striking ''and'' at the end of subparagraph (D),*

*(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and*

*(C) by adding at the end the following new subparagraph:*

*''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.*

*(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:*

*''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.*

*(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—*

*(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:*

*''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.''.*

*(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2008''.*

*(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:*

*''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.''.*

*(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:*

*''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—*

*''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.*

*''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.*

*''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.*

*''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.*

*''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.*

*''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any*

*oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.*

*(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.*

***SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.***

*(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.*

*(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:*

*''(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or*

*''(ii) used by such eligible contractor as a residence during the taxable year.''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.*

***SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.***

*(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

*(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—*

*(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking ''$1.80'' and inserting ''$2.25''.*

*(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—*

*(A) by striking ''$.60'' and inserting ''$0.75'', and*

*(B) by striking ''$1.80'' and inserting ''$2.25''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.*

***SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.***

*(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:*

*''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—*

*''(1) DISHWASHERS.—The applicable amount is—*

*''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and*

*''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).*

*''(2) CLOTHES WASHERS.—The applicable amount is—*

*''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,*

*''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,*

*''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and*

*''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.*

*''(3) REFRIGERATORS.—The applicable amount is—*

*''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,*

*''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,*

*''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and*

*''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.*

*(b) ELIGIBLE PRODUCTION.—*

*(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—*

*(A) by striking paragraph (2),*

*(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and*

*(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.*

*(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.*

*(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:*

*''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—*

*''(1) dishwashers described in subsection (b)(1),*

*''(2) clothes washers described in subsection (b)(2), and*

*''(3) refrigerators described in subsection (b)(3).''.*

*(d) AGGREGATE CREDIT AMOUNT ALLOWED.—*

*(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:*

*''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.*

*(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:*

*''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.*

*(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—*

*(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:*

*''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—*

*''(A) any dishwasher described in subsection (b)(1),*

*''(B) any clothes washer described in subsection (b)(2), and*

*''(C) any refrigerator described in subsection (b)(3).''.*

*(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.*

*(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:*

*''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.*

*(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:*

*''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.*

*(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:*

*''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.*

*''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.*

***TITLE XI—SENSE OF THE SENATE***

***SEC. 1101. SENSE OF THE SENATE.***

*It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.*

Amend the title so as to read: ''An Act to provide needed housing reform and for other purposes.''.

AMENDMENT NO. 4523

The PRESIDING OFFICER. Under the previous order, the amendment to the title is agreed to.

The amendment (No. 4523) was agreed to, as follows:

Amend the title so as to read:

To provide needed housing reform and for other purposes.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Alabama and myself be recognized for 20 minutes, 10 minutes apiece, to make some closing comments.

The PRESIDING OFFICER. Is there objection? Hearing no objection it is so ordered, and the Senator is recognized.

Mr. DODD. Mr. President, before I make those remarks, and I have checked with the Parliamentarians, I would be remiss if I didn't recognize a former colleague, Senator John Glenn, who is here on the floor of the Senate.

Senator Glenn, welcome to the Senate. Nice to have you back.

Mr. President, if I may, this morning, I think we have adopted a very good piece of legislation, one that is going to take a significant step in dealing with the present housing crisis in our country. As I have repeated on numerous occasions over the last number of

weeks on the Senate floor, almost 8,000 people every single day are facing foreclosure. That is a staggering number of people, and in a given week's time that would fill most any college or professional sports stadium.

Eight thousand people every day run the risk of losing their most important asset outside of their beloved family members. The greatest accumulation of wealth for most people is their home. It may mean for them, in their future, providing for a secure retirement, dealing with college education, providing for the unforeseen crisis that can occur where that equity in a home can make all the difference in the world, not to mention what a stabilizing influence it has for a family, a neighborhood, or a community. Home ownership. All of that is at risk for too many of our fellow citizenry.

Over these last many days, the Senator from Alabama and I and others have tried not to solve every problem in that area but to take a major step forward in addressing the issue of foreclosure, the housing crisis, and the economic problems we face. I think we have done that with this bill. This legislation includes the original ideas we were able to work out a week or so ago dealing with FHA modernization, dealing with disclosure, dealing with mortgage revenue bonds, and dealing with the idea of providing some tax relief for people who are willing to move in and occupy foreclosed properties, which provides assistance to communities that would otherwise lose as a result of having dilapidated and boarded-up properties in their midst. And there were a number of other provisions, including counseling services and the like, included in that core piece of legislation.

But over the past week, a little less than a week, we have added a number of other provisions to this bill at the behest of our colleagues, working with both the chairman and the ranking member of the Finance Committee as well as members of the Banking Committee and those who are interested in this legislation. The underlying bill and the important provisions in it contained many good increases in support for various things we need to accomplish.

In addition, the managers' package, which was adopted last evening, accommodates 16 different amendments, Mr. President. These amendments help veterans meet their housing needs. We actually increased some counseling funds that Senator MURRAY and Senator MIKULSKI and Senator SCHUMER were interested in. We improved coordination at counseling agencies. We were able to accommodate a number of Senators on both sides of the aisle.

I particularly want to express my gratitude to Senator SALAZAR for his amendment, Senator BOXER, Senator CARPER, and Senator MCCASKILL, who offered some very good ideas. I mentioned Senator MURRAY and Senator MIKULSKI, Senator LEAHY, Senator JOHNSON, Senator CRAPO, along with Senators HARKIN and SANDERS and PRYOR, and Senator ENSIGN, Senator BROWNBACK, Senator GREGG, Senator DEMINT, and Senator CORNYN, who all offered ideas which we were able to accommodate.

Members of both sides had a lot of very good ideas which strengthen this bill. So we are very grateful for their participation and involvement in allowing us to come to where we are today.

I should have actually begun my remarks by thanking the majority leader. Senator REID made this possible. When I talked with Senator REID about a week and a half, 2 weeks ago, after having a conversation with Senator SHELBY and other members of the Banking Committee, we believed we could come forward with a core group of ideas and offer our colleagues the opportunity to begin to move on this housing crisis. Senator REID approached the Republican leader, Senator MCCONNELL, and as a result of their leadership, they provided this opportunity, resulting in where we have arrived today, coming to this accommodation. So Senator REID and his staff deserve, along with Senator MCCONNELL, a very special thanks for making it possible for us to achieve what we have.

Let me say very quickly that this bill is called the Foreclosure Prevention Act. Quite candidly, what we have done doesn't quite live up to the title. We have more work to do. We don't do enough, in my view, in preventing more foreclosures in the country. We do some things but not enough. But I would say to my colleagues who are concerned, we are not done yet. There is more work that needs to be done.

In fact, this morning, Senator SHELBY and I and the committee were having a hearing on how to deal with additional foreclosures in the country. We have more work to do—another hearing next week. We have to deal with the Government-sponsored enterprise legislation, we have flood insurance to deal with, and a number of other issues that require our attention, and our intention is to work on those issues. So more work needs to be done, but at this juncture we believe we have presented a good package.

Mr. President, Congressman BARNEY FRANK, the chairman of the House Financial Services Committee, is holding hearings this very morning, as he has over the last day or so, on these issues. My hope is we can get quickly to a conference with the other body on this package and come back with a compromise that is as strong as the one we are sending out for consideration.

Again, I thank Senator SHELBY, my friend and colleague from Alabama. We have worked closely together over the years on the Banking Committee. I served under his chairmanship of the committee where he had good strong leadership and offered some very strong ideas that were adopted by the Congress of the United States. The tide has turned. I am now chairman. But I have a good partner in Senator SHELBY and his staff in helping us work through these issues.

I mentioned Senator HARRY REID, the majority leader, Senator MCCONNELL, and their staffs for their work as well on this legislation, but we don't often thank or mention the names of the people who do all of the late work, who stay up all night drafting and arguing, disagreeing and debating on what to include in these packages.

So I want to thank, particularly in the leadership area, Gary Myrick, Randy Devalk, Lula Davis, who has been terrific with the floor staff—absolutely wonderful in the last several days—Tim Mitchell, Mark Wetjen on Leader REID's staff, and Rohit Kumar and Dave Schiappa on the minority leader's staff. Dave, we thank you for your support and help in all of this. On Senator SHELBY's staff, Bill Duhnke, Mark Oesterle, Shannon Hines, Mark Calabria, and Jim Johnson all were helpful. And I want to acknowledge all the positive efforts of my staff: Shawn Maher, the staff director of the Banking Committee; Jonathan Miller, Jenn Fogel-Bublick, Amy Friend, Julie Chon, Lynsey Graham Rea, and Drew Colbert. These are all people—and there are others as well on these committees—who do a lot of good, hard work, and we thank them.

Again, Mr. President, before the close of business, another 8,000 people may file for foreclosure in this country, so we have work yet to be done in this area, but this bill is a major, positive step in the right direction. There are provisions that, frankly, I am not as enthusiastic about, but they were consensus provisions added to this legislation. There are many provisions that I think take us exactly in the right direction in minimizing the impact of what is occurring in our country and allowing us to get back on our feet, again restoring confidence and optimism in the housing market, and for that I am very grateful to all who have participated in allowing us to arrive at this point.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank Senator DODD for all of his cooperation and his leadership on the Banking Committee and on the Senate floor, and I want to associate myself with his remarks, thanking the staff of the Senate and also the staff of the Banking Committee, including my staff and his. It is good to work together where we can in the Senate. And when we do, we get a lot of work done.

Mr. President, when crises such as the one we are now facing come about, the American people expect us in the Senate to act in an expeditious and an appropriate manner. I think this is what we have been doing the last couple of weeks. Senator DODD and I, at the direction of our respective leaders,

Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, have invested a considerable amount of time in drafting a bipartisan and balanced piece of legislation that is focused on addressing the growing number of foreclosures nationwide, which Senator DODD just mentioned.

In an effort to maintain that balance and to preserve our bipartisan agreement, we were not able to agree to a number of amendments, some of which I believe have a great deal of merit, and I want to touch on some. It is my hope that Senator DODD and I can continue to work closely on a number of those, such as the need for meaningful GSE reform, as well as a mortgage broker and banker licensing bill.

Senator HAGEL introduced an amendment on GSE reform that I believe may represent the foundation for a very promising approach to addressing a very complex but critical set of issues. I stand ready to work with Senator DODD at any time to reach an agreement on meaningful GSE reform.

Senators FEINSTEIN and MARTINEZ introduced an amendment on mortgage broker and banker licensing that I hope also lays the foundation for further action by the Banking Committee, headed by Senator DODD.

There are other provisions that are not in this bill and that I could not support. These included the bankruptcy provision, or so-called cramdown, as well as an unprecedented expansion of the FHA guarantee to hundreds of thousands of homeowners who find themselves underwater on their mortgages and stretched beyond their means.

Mr. President, when we began consideration of this bill, I said the following:

> While we are in agreement on the measures contained in this bill, there is a line that we should not cross. That line is represented by a taxpayer-funded bailout of investors or homeowners that freely and willingly entered into mortgages that they knew or should have known they could not afford.

With that in mind, I intend to examine closely any proposals to further expose the American taxpayer to the risks freely incurred by individuals or investors. I understand that Chairman DODD intends to hold additional hearings on just such a proposal. I intend to work closely with him to ensure that all facets of this approach are examined thoroughly before we expose those who made prudent financial choices to the risks created by those who didn't.

First and foremost, I believe our primary responsibility is to the American taxpayer. In our zeal to help those who find themselves in financial difficulty, we must make sure that we do not do more harm than good. This bill does include a number of provisions that deserved my colleagues' support, and that they supported. The bill makes the necessary changes in the FHA program so that it can meet the needs of today's mortgage marketplace. The FHA language provides protections for the American taxpayer, who ultimately bears the financial risk of the program. The FHA title provides immediate help to the marketplace by reforming the Federal Housing Administration, allowing it to provide greater liquidity and thereby enhancing the options available to America's homeowners.

The bill also provides additional funding for foreclosure prevention counseling—Senator DODD has spoken on this—which will help homeowners stay current on their mortgages and be able to remain in their homes. That is our goal. This is an area in which I hope to work closely with Senator DODD over the coming year. I believe we must conduct thorough oversight to ensure that this money is being spent properly and effectively. Should additional funds be necessary, I believe they can be provided during the normal appropriations process.

In order to prevent a repeat of the current housing crisis, the bill also increases the disclosures made to consumers obtaining mortgages, which I think is very important. I believe giving consumers more information so they understand what they are doing and the ability to understand the choices they are making will help them avoid making the pitfalls and bad decisions many uninformed consumers made in the past.

To protect our soldiers, sailors, and airmen, the bill extends additional consumer protections and provides those returning from combat a chance to get back on their feet before they face any type of foreclosure proceeding.

Mr. President, in an effort to provide communities with the ability to clean up the damage caused by the foreclosures that have already occurred, we have included funding to allow States and communities to buy up and repair foreclosed residences through the Community Development Block Grant Program.

Attached to this funding is a requirement that any profits from the sale of properties must be used to buy and repair additional properties. I believe that reuse of this funding in this manner will maximize the impact of these dollars and minimize the possibility that funds will be wasted or profits inappropriately pocketed.

The bill also contains a number of tax-related provisions prepared in a bipartisan fashion by the chairman and ranking member on the Finance Committee.

Mr. President, this bill also includes a managers' package that contains a broad range of provisions offered by 13 separate Senators. Chairman DODD and I worked closely to come to agreement on including this group of provisions that, I believe, strengthens the core bill.

The first group of provisions touch upon a number of veterans and military service personnel housing programs. These measures provide greater resources, flexibility, and options for veterans and military personnel to help meet the particular challenges they face in regards to their housing needs.

The managers' package puts to greater use assets in the Home Loan Bank system to help bring additional resources to the effort to deal with current conditions in the housing market.

The package includes additional consumer protections for senior citizens who participate in the FHA-insured reverse mortgage program. The package requires enhanced scrutiny of loan originators participating in the FHA program, which should better protect the solvency of the taxpayer backed mortgage insurance fund.

The package also ensures that funds are not used to provide inappropriate benefits to private entities by prohibiting the use of funds in cases where eminent domain is used to benefit private parties.

Finally, the managers' amendment protects taxpayers by requiring that any profits made from the sale of rehabilitated homes that are not reinvested in the program are recaptured and returned to the Treasury.

Mr. President, I believe this is a focused and targeted piece of legislation that will address in an appropriate manner a number of the difficulties we are now facing in the housing market.

While there are a large and growing number of homes entering foreclosure, we must remember that the vast majority of homeowners are living within their means and making their mortgage payments.

While some would argue that we have a responsibility to aid those who find themselves under water on their mortgages or unable to afford their increasing payments, I would argue that we also have equal responsibility to those who have made prudent financial decisions. We must not forget them as we seek to help others.

Mr. President, the eve of an election year can be a very difficult time to reach consensus on just about anything.

When we are able to come together, it is incumbent upon us to seize that opportunity and move forward.

Mr. President, I think this is a good bill overall, and I was pleased to see the vote of the Senate just a few minutes ago.

I yield the floor.

Mr. DODD. Mr. 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. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSOLIDATED NATURAL RESOURCES ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 2739, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. BINGAMAN. Mr. President, I know my colleague from New Mexico will be here in a few minutes and wishes to make a statement in support of the legislation that is before us now. I will start by making my own statement, a general statement about it. I know Senator WYDEN also is here on the Senate floor and wishes to speak on this issue and on this legislation. I know, of course, Senator COBURN is also very nearby and wishes to make a statement as well.

The Senate will consider at this time S. 2739. It is a collection of over 60 noncontroversial bills that have been reported from the Energy and Natural Resources Committee dealing with various public land, national park, water, and territorial issues.

Let me start by thanking Senator REID, our majority leader, for making it possible for us to proceed with this bill at this time. This has been a priority of his for several months now, to get this legislation before the Senate. He deserves great credit for doing that.

All of the individual bills included in S. 2739 have been passed by the House of Representatives and virtually all of the bills—or their Senate companion measures—have also been favorably reported by the Energy and Natural Resources Committee. The committee votes on reporting these bills have been unanimous.

Typically, these bills would be considered individually and passed under a unanimous consent agreement. Unfortunately, as most Senators are aware, it has become virtually impossible to get unanimous consent to pass anything this year. So despite the fact these bills generally deal with State-specific issues and have the strong support of the affected congressional delegation, and despite the fact that these bills are noncontroversial—having passed the House of Representatives and having been reported by the Energy and Natural Resources Committee with overwhelming bipartisan support—we have not been able to get them cleared.

In an attempt to move these bills forward, last month I introduced S. 2739, which simply incorporates every bill our committee has reported that has also been passed by the House of Representatives. The package includes roughly an equal mix of Democratic-sponsored bills, Republican-sponsored bills, and bills with bipartisan sponsors. As I have already noted, since these bills have been reported out of the Energy and Natural Resources Committee by unanimous votes, there really are not any outstanding issues in dispute. Many of the individual bills that are included in this package have been on the Senate calendar for several months; in fact several were reported by our committee and have been pending on the calendar since January of last year—not January of 2008 but January of 2007. A number of the bills have been approved by the Senate—by unanimous consent, I might add—in previous Congresses, in some cases in several previous Congresses.

While the individual bills in this package may not be controversial, they are nonetheless very important to the individual sponsors, and the Senate has an obligation to try and pass these bills. I would like to take a few minutes to briefly identify some of the provisions included within S. 2739.

The bills included within S. 2739 encompass lands and activities in over 30 States and the District of Columbia. The first provision in the package is Senator MURRAY's and Senator CANTWELL's proposal to designate the 106,000-acre Wild Sky wilderness in Washington State, which the Senate has passed in each of the last three previous Congresses. The Wild Sky wilderness is an important addition to the National Wilderness Preservation, and has strong local and national support.

Another provision in the bill includes language sponsored by Senators WYDEN and AKAKA to give the National Park Service important new authority to enter into cooperative agreements to protect threatened natural resources in national parks.

S. 2739 also includes additions to the Minidoka National Monument in Idaho and Washington State, the Carl Sandburg National Historic Site in North Carolina, and the Lowell National Historical Park in Massachusetts, and the bill provides the National Park Service with important new authorities at Acadia National Park in Maine and Denali National Park in Alaska.

It authorizes studies of potential new parks in Missouri, Texas, Arkansas, California, Arizona, and Massachusetts to assess whether any would be appropriate for addition to the National Park System, and it establishes commissions to commemorate significant anniversaries of the Hudson and Champlain expeditions in what are now the northeastern United States.

S. 2739 would designate two new Outstanding Natural Areas to be managed by the Bureau of Land Management: the Piedras Blancas Historic Light Station in California, and the Jupiter Inlet Lighthouse in Florida. It also allows for BLM land in Nevada to be transferred for use by the Nevada National Guard.

The package includes a new addition to the Wild and Scenic River System in Connecticut, and a new addition to the National Trails System, the ''Star-Spangled Banner'' National Historic Trail in Virginia and Maryland.

The bill includes authorizations related to new commemorative works in the District of Columbia, including one honoring President Eisenhower, and establishes a commission to study the potential creation of a National Museum of the American Latino, here in Washington.

S. 2739 would establish three new National Heritage Areas: the Abraham Lincoln National Heritage Area in Illinois; the Niagara Falls National Heritage Area in New York, and the multi-State Journey Through Hallowed Ground National Heritage Area in Virginia, Maryland, West Virginia, and Pennsylvania, and it authorizes studies of potential new heritage areas in Oregon and Kentucky. It would also increase the authorization ceiling for several existing heritage areas.

This bill will help address the water resource challenges facing many regions of the country. There are 16 provisions in the bill affecting States west-wide, including sections that will promote partnerships between the Federal Government, States, and local entities in the area of water, including paying for security costs at Bureau of Reclamation facilities; ensure a better understanding of groundwater resources; facilitate a feasibility study of serious proposals to address water shortages and avoid litigation; transfer Federal property to local ownership and eliminate Federal restrictions impeding water conservation projects; promote water recycling activities; and authorize Federal participation in the Platte River Endangered Species Recovery Program, which is strongly supported in Colorado, Nebraska, and Wyoming.

Given the critical nature of many of these items, it's important that these water-related authorities be enacted as soon as possible.

S. 2379 also reauthorizes two energy programs at the Department of Energy. One clarifies the Secretary of Energy's authority to make grants to advanced energy efficiency technology transfer centers under the Energy Policy Act of2005, and the other reauthorizes the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The package contains two important measures related to the territories. The first involves the Commonwealth of the Northern Mariana Islands—CNMI—to respond to longstanding Federal concerns regarding immigration, labor, and law enforcement—concerns that are greatly heightened following the September 11 attacks. This bill culminates 11 years of congressional and executive branch efforts to extend the U.S. immigration laws to the CNMI including the establishment of Federal border control as anticipated by the 1976 covenant agreement between the CNMI and the United States. The bill also includes special provisions to meet the special needs of the islands' economy. The citizens of the CNMI have been U.S. citizens and members of the U.S. family for over 20 years, but they have been unable to participate in

American democracy as have the other territories. S. 2793 rectifies this by authorizing the election of a Delegate from the CNMI to the House of Representatives, a necessary step if we are to keep faith with our Nation's founding principle of representative government.

The final title of S. 2739 would make numerous amendments to the Compacts of Free Association between the United States and the Pacific island nations of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

As lengthy as that summary of the provisions in S. 2739 was, it reflects only a portion of the bills that have been considered in the Energy and Natural Resources Committee this Congress. This package reflects only a first step of Energy Committee bills that need to be considered this year. As soon as S. 2739 is passed, I will assemble a second package, with a similar number of bills, containing legislation that has been approved by our committee, but which has not yet come over from the other body. Like this package, the second bill will be a wide-ranging collection of authorizing measures.

But regardless of whether the individual items in that package are large or small, all these bills will have been reported by our committee after a full public process. I know many Senators who have bills that will be, in fact, in that second package rather than in this first package and are eager for us to move ahead. I would point out the New Mexico-specific bills I have sponsored will be in that second package; they are not in the legislation before us today. So I share in that desire to move expeditiously, and I look forward to working with Senator DOMENICI and the majority leader and, of course, the Republican Leader as well to try to get that second package ready for floor consideration as soon as possible.

Senate rule XLIV requires the chairman of the committee of jurisdiction to certify that each Congressionally directed spending item in any bill coming before the Senate has been identified and disclosed on a publicly accessible Congressional Web site. The rule defines ''congressionally directed spending items'' as spending items ''included primarily at the request of a Senator.''

Although I included none of the House-passed bills in S. 2739, primarily at the request of a Senator, in the interests of full disclosure I have provided a list of all spending authorizations for specific amounts targeted to specific localities contained in S. 2739, along with the name of the sponsor of the Senate companion of the House-passed bill.

This list has been made available on the Web site of the Committee of Energy and Natural Resources since March 11 and was previously printed in the CONGRESSIONAL RECORD on March 11, at page S. 1869.

In addition, I ask unanimous consent that the list, along with my letter to the Majority Leader accompanying the list, be printed in the RECORD for the information of all Senators.

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

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC, March 11, 2008.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

DEAR MR. LEADER: S. 2739, the Consolidated Natural Resources Act of 2008, which I introduced yesterday, is a collection of 62 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. The purpose of the bill is to facilitate consideration in the Senate of the large and growing number of measures relating to protection of natural resources and preservation of our historic heritage that have been passed by the House of Representatives and approved by the Committee on Energy and Natural Resources. Forty-three of the measures in S. 2739 consist of the text of separate bills passed by the House of Representatives, twelve are drawn from separate titles, subtitles, or sections of two other House-passed bills, and two are House-passed concurrent resolutions. Only one provision, section 482, contains new matter that has not passed the House of Representatives.

While S. 2739 incorporates a number of provisions of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, which I introduced three months ago, on December 14, 2007, there are a number of differences between the bills that are dictated by the amount of time that has elapsed since last December and by action that has since taken place in the House of Representatives. Two of the sections included in S. 2483 last December were subsequently enacted into law as part of the Consolidated Appropriations Act, 2008, Public Law 110–161, and, accordingly, have been left out of S. 2739. Eight new provisions, drawn from eight separate House bills or resolutions, have been added. Two of the effective dates in title VIII of S. 2483 have been extended in S. 2739 in light of the passage of time since S. 2483 was introduced. In addition, minor modifications were made in a few other provisions.

Although S. 2739 has not been referred to the Committee on Energy and Natural Resources, all of the House bills that make up S. 2739 or their Senate companions have either been reported or ordered reported by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term ''congressionally designated spending item'' is broadly defined, in pertinent part, to include ''a provision ... included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

Fifteen of the House-passed measures incorporated into S. 2739 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2739 because they are part of the text of the House-passed bills. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2739 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

I previously asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications I have received on the Committee's website. All certifications received in relation to S. 2483 remain on the Committee's website, where they are available for public inspection in accordance with paragraph 6 of Rule XLIV. I have not received any requests for new congressionally directed spending items to be included in S. 2739.

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2739 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 3 p.m. on March 11, 2008.

Sincerely,

JEFF BINGAMAN,
*Chairman.*

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COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2739—THE CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Provisions in S. 2739 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

| Section | Program or entity | State | Principal sponsor of Senate bill |
|---|---|---|---|
| 314(c) | Acadia National Park | ME | Collins. |
| 333(e) | American Latino Museum Commission | DC | Salazar. |
| 334(j) | Hudson-Fulton and Champlain Commissions | NY & VT | Clinton. |
| 342(1) | Lewis & Clark Visitor Center | NE | Hagel. |
| 409 | Hallowed Ground National Heritage Area | VA | Warner. |
| 430 | Niagara Falls National Heritage Area | NY | Schumer. |
| 449 | Abraham Lincoln National Heritage Area | IL | Durbin. |
| 461 | Multiple National Heritage Areas | OH, PA, MA, SC | Voinovich |
| | | WV, TN, GA, IA, & NY | none. |
| 504(d) | Watkins Dam | UT | Hatch. |
| 505 | New Mexico water planning assistance | NM | Domenici. |

| Section | Program or entity | State | Principal sponsor of Senate bill |
|---|---|---|---|
| 509 | Multiple Oregon water projects | OR | Smith/Wyden. |
| 511 | Eastern Municipal Water District | CA | Feinstein. |
| 512 | Bay Area water recycling program | CA | Feinstein. |
| 515(b)(6) | Platte River | NE. WY, CO | Nelson (of NE). |
| 516(c) | Central Oklahoma Master Conservancy District | OK | Inhofe. |

Mr. BINGAMAN. While I have previously tried to describe all the provisions in the package, I believe the individual sponsors can better describe the merits of some of their specific provisions. I am sure many of them will want to do so.

Passage of S. 2739 will not only allow us to send this to the House and then to the President, it will also allow us to move forward and address the many legislative pending requests within our Energy and Natural Resources Committee that have been awaiting consideration behind this bill.

I think it is important to remember all the individual provisions included in the package were previously approved by the House of Representatives. I know in a few minutes the Senate will also be considering four amendments that have not been approved either in the House or by our Energy and Natural Resources Committee.

To ensure that we do not jeopardize the enactment of S. 2739, I will be opposing all those amendments, and I will urge my colleagues to do so as well, so we can finally pass this bill in a form the House can quickly pass and send to the President for his signature.

As I indicated before, I know Senator DOMENICI wishes to make a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to thank Senator BINGAMAN.

I rise today in support of S. 2739, the Consolidated Natural Resources Act of 2008. This bill is a collection of 62 individual measures that were in the Energy and Natural Resources Committee that have been considered favorably and reported to the Senate.

Packaging individual bills into a single bill is not typically the way we get the natural resources side of the Energy Committee business done. It is not my preference to do it this way. However, our customary procedure has been turned on its head since the beginning of the 109th Congress, and the fact that we are here considering this bill on the floor today reflects the frustration of many Members in this regard.

I have served on this committee for over 30 years, 4 of those as chairman and the past 2 as ranking Republican member. The recent controversy over consideration of this bill is simply a continuation of the efforts by the junior Senator from Oklahoma, since the beginning of the 109th Congress, to frustrate, in my opinion, the legitimate business of this committee and the Senate in maintaining proper oversight over the stewardship of Federal lands.

While I am pleased my colleague's concern about the unanimous consent process on an earlier version of this bill has been resolved, I nevertheless remain concerned about the ability of the Energy and Natural Resources Committee to conduct its business and that of the Members of the Senate. In addition to the 62 measures in this bill, we have reported over 40 other bills that still need to be considered, and we simply do not have sufficient floor time to consider each of those bills individually.

Typically, we have passed these bills by unanimous consent after having worked out any objections by individual Senators to specific provisions. Yet that process we have used for years to get these types of bills passed has ground to a halt because of the generic objections about authorizations from the junior Senator from Oklahoma.

When I, as chairman, and now Senator BINGAMAN as chairman, have tried to address the objections, we have been met with new ones each time we think we have resolved the issue. Frankly, I believe much of this problem can be attributed to a lack of understanding about the jurisdiction of the committee, the importance of its business in ensuring proper management of our Nation's natural resource treasures. A bit of history would shed some light on the reasons for many Senators' frustration and is certainly something that deserves attention.

The Energy and Natural Resources Committee began as a public lands committee nearly 200 years ago, providing oversight over the lands acquired in the Louisiana Purchase. It was one of the first standing committees in the Senate. Over the years its jurisdiction obviously has expanded to include energy issues as well, but easily more than half the committee's business continues to be public lands issues.

Those of you who have served on the committee know this includes everything from our national parks and monuments to all the Bureau of Reclamation water projects. The committee oversees the management of the Department of Interior and the Forest Service, of 535 million acres of land, and includes 58 national parks, 88 national monuments, including those on the Mall, and over 428 million acres of wilderness areas. This is over 30 percent of the total area of the United States.

The committee also has oversight of the Bureau of Reclamation projects that include more than 600 dams and reservoirs, including Hoover and Grand Coulee Dams. Our job is to make sure our national treasures are properly managed and that the departments of the executive branch charged with that task maintain a proper balance between the Federal, State, and local interests.

In addition, the committee oversees all matters related to U.S. territories, Puerto Rico, and the Virgin Islands. Because the jurisdiction is vast, the number of bills the Energy and Natural Resources Committee considers each Congress generally far exceeds that of other Senate committees.

In the 109th Congress alone, a total of 491 bills and resolutions have been referred to the committee for consideration. Most of these measures, as with the measures that are embodied in 2739, the bill currently before us, are required because the administrative agencies either have not taken action in addressing such things as boundary adjustments, land exchanges, or other matters relating to Federal lands, as Senators feel are necessary within their States. But in the 109th, we passed fewer than half of what we should have historically passed in previous Congresses because of the Senator from Oklahoma's objections. I am hoping together we are learning and the Senator from Oklahoma will work with us and understand all these bills are authorization bills, authorizing bills. They do not spend money until something else is done.

Money must be appropriated or spent by some committee or administrative body if it has authority because these bills authorize, they do not appropriate. The futile exercise ignores the balance between authorizing committees and appropriations committees; that is, the futile exercise that has been put upon us by the Senator from Oklahoma over the last 2½ years.

Let me pursue this point a little further, Mr. President.

The Constitution says, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .'' Note that the Constitution says, ''appropriations.'' Under most circumstances, an authorization does not compel an appropriation of money from the Treasury. So, as I have attempted to reason with the Senator from Oklahoma, authorizations that involve the HOPE of appropriations occur all the time in this body. Most of the time, appropriations fall far short of the authorized level of spending. A case in point is the decision of Congress to not spend as much money on No Child Left Behind as the authorization bill would have allowed. In some cases, appropriations are made in the absence of authorization. So, clearly, the passage of these lands bills compels no appropriations bill in the future, and, thus, no point of order under the Congressional Budget Act lies against

these bills. My attempts to persuade the Senator from Oklahoma of this fact have failed, leading to this Senator's frustrations. Let's be clear here: these are authorization bills, they compel no appropriations in most cases, and spending to carry out the intent of the vast majority of these bills is contained in the salaries and expenses of the Departments within whose jurisdiction these matters lie. So, the premise of the Senator from Oklahoma—that these bills will inflate spending and increase the deficit—is fundamentally flawed.

As I have noted, most of these measures have no direct cost to the Treasury; rather, they set priorities for the Departments for the use of their administrative budgets that will be appropriated each year. But one of the principal objections the Senator from Oklahoma has raised to all the bills the committee has is they cost too much money or, as he puts it: They will some day cost money.

That may be true. But the Congressional Budget Office reports on most of these bills that the administrative costs to implement them would be negligible. In the rare instance where the bill would require significant resources, no action could be taken unless there were additional appropriations.

So, basically, there have been no reasons for holding up these bills. The business of the Committee that is before us in this bill should have been able to have been taken a long time ago. I do not believe the judgment regarding park boundaries in Wyoming, a land exchange in Arizona, a water project in Colorado, should supplant that of the 23 members of the committee—that one Senator should supplant that.

Those 23 members of this committee make their judgments on information compiled by a professional staff with a combined service of relevant departments in Congress of over 70 years on the Republican staff side alone. They spend a great deal of time on these bills. They know more than anyone else. They give that knowledge to us, the 23 members, and we vote. It is not as if these bills are put together, brought here, much time, effort and money and resources are put into them before they are put together and before we ask the Senate to pass them. I hope we will not find ourselves in this bind again.

We have four amendments offered by the junior Senator from Oklahoma. I have seen them all. I do not think any of them have received appropriate hearings. I do not think any of them have had the study that goes into the bill, that are in this bill before us. For that reason and many others, I do not intend to vote for them.

I do thank the Senator from Oklahoma, the junior Senator, for finally arriving at something that will conclude the matter. It will be concluded today, and many Senators will be pleased and many House members will be pleased, and all I can tell them is: We have tried our best to do this sooner, and we will try our best to do the next one sooner rather than later.

In the face of all of this, I cannot in good conscience vote to delay passage of at least some of the bills that we have worked so hard on in the committee and that are packaged in S. 2739. The amendments the Senator has filed under the unanimous agreement are sweeping generic changes to aspects of Federal land management. While aspects of some of them may have merit, they should only be considered through the committee process where the substance and consequences can be illuminated and debated in hearings. I doubt that there is any Senator, including me, who is 100 percent supportive of every line in these bills that compose S. 2739; but, as with everything else we do around here, there had to be give and take on both sides of the aisle to come to agreement on many of these measures. And since it has not been my experience that we will ever be able to satisfy the junior Senator from Oklahoma, I recommend that we proceed to pass this bill without amendment.

I yield the floor and thank Senator BINGAMAN for yielding to me.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wished to begin this morning by thanking Chairman BINGAMAN for his public assurance today that S. 2739, the Consolidated Natural Resources Act of 2008, will not be the final public lands bill taken up by the Senate this year.

I know that is going to be encouraging news to the people of my home State who, in particular, want to see our treasured Mount Hood receive additional protection and want to make sure its scenic beauty will be preserved for future generations.

As the chair of the Subcommittee on Public Lands and Forests, I know firsthand how important these public lands bills are to folks in the States where the lands are located. There are several pieces of legislation that involve my home State. The proposals contained in this bill have all passed the House, passed the Senate Energy and Natural Resources Committee, and I hope they will become law.

I especially express my appreciation to the distinguished senior Senator from Washington, Mrs. MURRAY, who has toiled month after month after month on her extraordinarily important wild sky wilderness legislation. She, of course, is joined in that by our colleague Senator CANTWELL. This is going to be something of great pride to all of us in the Pacific Northwest. I congratulate Senator MURRAY and Senator CANTWELL on their efforts.

Today, though, as we deal with S. 2739, we also include in that legislation that I authored, referred to by Chairman BINGAMAN, the Park Service authority to enter into cooperative agreements to better protect the parks' natural resources. Chairman AKAKA has joined me in this effort, and I commend him for all of his work to protect our treasured national parks.

The legislation also includes another bill to study the Columbia Pacific Natural Heritage Area, something that has been of great importance to local communities. It also includes important legislation for my home State to protect our water resources.

It is important to note that our work cannot be considered done with this legislation. There is another public lands package reflecting the work of many Senators in the Energy and Natural Resources Committee which also contains a number of important pieces of legislation that have strong bipartisan support. Among those bills are two measures vitally important to the people of my home State: the Lewis and Clark Mount Hood Wilderness Act of 2007 and the Copper Salmon Wilderness Act. That is why it is my view that the Senate should move quickly on today's legislation, S. 2739, and then, with the bipartisan leadership of Chairman BINGAMAN and Senator DOMENICI and colleagues on both sides of the aisle, go forward with other measures that have been, regrettably, stalled for much of this Congress.

I have been to the floor before to speak about the Mount Hood Wilderness Act. This is a thoroughly bipartisan piece of legislation that I and Senator SMITH have worked on for many years. It passed unanimously out of the Energy and Natural Resources Committee. Regrettably, it has been held up for many months now. Mount Hood is one of the most photographed and visited wild places in the United States. The legislation we have written to protect this icon is the result of many meetings, scores of discussions from a diverse number of Oregonians. They are anxious to see this legislation moved forward. That is why it is so important that the Senate act after the Senate passes S. 2739. Countless Oregonians and other westerners have been frustrated to see all their years' efforts to enact new wilderness protections for Mount Hood, which has passed the Senate Natural Resources Committee, get stalled here on the floor.

As I have noted in the past, the bill to protect scenic areas as Lewis and Clark first saw them has now taken longer to get through the Senate than it took Lewis and Clark to get to Oregon. Our constituents don't understand how a bill that has such strong bipartisan support is being held up. They don't want to see it held hostage, not for partisan politics or for any other reason. They also feel that Copper Salmon is a gem that deserves protection.

The bipartisan legislation to protect Mount Hood builds on existing Mount Hood wilderness but adds more wild and scenic rivers and provides a recreation area to allow diverse recreational opportunities. We would protect the

lower elevation forests surrounding Mount Hood and the Columbia River gorge. The protected areas include scenic vistas, almost 126,000 acres of wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on nine free-flowing stretchers of rivers would be added to the National Wild and Scenic River system. From what Senator SMITH and I hear about our legislation and the places we have proposed for wilderness protection—and we have talked to local community leaders, to environmentalists, to timber and mining interests—we believe we have gotten this legislation right.

The bill responds to the thousands of comments I have received on both of my previous efforts to protect Mount Hood, input at public meetings held in Oregon, and letters and phone calls. I have met with over 100 community groups and local government leaders, members of our congressional delegation, the Governor and the Bush administration. Among the comments we got was a resounding cry for additional wilderness, particularly more recreational opportunities.

There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. The legislation we are talking about would increase that amount by about 126,000 new acres of wilderness. These protections, protections for such important Oregon places, should not be held up by procedural wrangling. It is one thing if there is any sense on a piece of legislation involving wilderness of significant interest groups not being consulted, not being allowed to participate. I can see every reason to hold up that kind of legislation. But when everybody feels they have been consulted, you have complete bipartisan support from the State and the Natural Resources Committee, we ought to be in a position to move forward.

I am going to repeat today what I have said before: My doors are open to every Member of the Senate on this legislation and everything else. If you want to get anything important done, you have to work with colleagues. If there are additional objections to Senator SMITH and me moving forward with the Mount Hood legislation, we want anybody who has an objection to come to us, because we will meet them halfway in an effort to try to address their concerns. But we have to do what Chairman BINGAMAN has pledged today, and that is to have an additional package of bills that is so important. I know the distinguished chairman from New Mexico has measures that are important to him. He has brought a bill to the floor of the Senate today because he wants to help all of the communities across this country that have worked to try to address these issues. I commend Chairman BINGAMAN for it. Frankly, I respect his selflessness in this effort. But we have to move on after we act today.

I hope this legislation will pass quickly, that it will then be possible for the Senate to turn to the next public lands bill, and we will be able to adopt that swiftly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened patiently to what has been said. One of the things that has to be stated, if we want to change the rules of the Senate, that is fine, but it is important for the American people to know what a unanimous consent request is. This bill contains 26 separate pieces of legislation where on over four dozen of them we have had no objection whatsoever, ever. Not one time have we raised any objection. But a unanimous consent request says, No. 1, you agree with the legislation. No. 2, you don't think it should be amended. No. 3, you don't think the Senate ought to vote on it. We have a major difference of opinion about what priorities are and what they should be.

I heard the distinguished Senator from New Mexico talk about frustration. Who is watching out for the frustration a child born today, encompassing $400,000 of unfunded liabilities, is going to have when that bill comes due? Where is the worry about the frustration for future generations? People say this is noncontroversial. Let me tell you, it is controversial when you are talking about infringing on the property rights of people without their permission. That is controversial. We have a difference of opinion on that. We think heritage areas and the disclaiming of heritage area has no impact on property rights.

That is absolutely untrue. It does impact. Property rights are a real right guaranteed in this country. We are going to set up boards that will influence, with the money we give them, private property use and utilization without an equal influence by the private property owners. We do have a difference of opinion.

At the end of this fiscal year, September 30, the accrued actual debt on the books for this country will become $10 trillion. We are going to add $3,000—2,800 and some odd dollars—per man, woman, and child at the end of this year to the debt. People say it is noncontroversial. Four dozen of these are noncontroversial. But this idea that we have to authorize, it is either a wink and a nod, or we are totally dishonest with the American people. If we are authorizing it, we intend to spend the money. We wouldn't be authorizing it if we didn't intend to spend the money. My objections are not that we do the right things for protecting our parks or creating the right environments in our forests and ensuring that the great treasures of our country are not protected. I want to make sure they are available. But to claim, when we have a $9 billion deficit in terms of backlogged work in our parks right now, as documented by the U.S. Park Service, $9 billion of work that needs to get done that we can't get done, to say this isn't going to have any impact on it, it is going to have an impact. It is going to delay the maintenance on the very things we say we treasure. So what have we done? What are we doing?

We are having a discussion about a small area that supposedly doesn't cost much money. It hasn't been scored, but those things in it that have been scored, it is over $350 million per year, a third of a billion dollars. What are we talking about? This debate is about whether we face up to the priorities in front of us as a nation. It is not about being against parks. It is not about being against the process. It is about making sure somebody in this body is standing up thinking about the future finances of this country and what we are going to do to our children. This is another example of what I believe—and I know I am in the minority—is a misplaced priority. How do we justify it, when we own, as the Senator from New Mexico said, 30 percent—I thought it was 38.5 percent—of all the land in the country? When we are not taking care of the land we have, how do we justify adding more land? We added 90 million acres to Federal Government property in the last 8 years. That is 90 million acres that are taken off the property rolls of communities and States. We take it away. We control it, and then we don't take care of it. But now we are adding more. We are doing it more.

Let's talk about some of the issues. This is a noncontroversial bill is what we have heard. How about $2 million of our kids' money to celebrate the 200th anniversary of Robert Fulton and the Claremont? At a time when this year we are going to borrow $600 billion, we are going to spend $2 million on a celebration? Why don't we celebrate the fact that we are going to put our kids in debt more? That is what we should be celebrating, if we are so proud of this. How about $2 million to create a commission to celebrate the 400th anniversary of the voyage of the Champlain. Do we have $2 million to throw away? We are going to throw that away on something that is not important, considering where we are in this Nation and the debt and the heritage we are going to leave our children. You bet we have a difference of opinion.

The American people want us to start thinking in the long term, not the short term. Do we look good if we have done all these bills back home? You bet. We wink and nod and say: We are doing it. Either we are going to appropriate the money or we were dishonest with them in the first place. We are going to spend the money. How do we walk out of here and say: We got you what you wanted? We do not really intend to spend the money—unless we really do intend to spend the money, so then it really does make a difference, and we cannot maintain what we have.

There was a very wise historian, his name was Alexander Tytler. This is attributed to him. I am not sure it is really his, but the words were spoken. They are not mine, but it is very apropos for where we are, not just on this

issue; I am not a voice of frustration just on this issue. My colleagues know that. I think it is time for us to start thinking about the long-term in this country and not the short-term politically expedience that says we look good at home.

Here is what Tytler said: A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that time on, the majority always votes for the candidates promising the most benefits—we got you done what you want done at home; whether we can afford it or not does not matter, but we got it done—with the result that a democracy always collapses due to loose fiscal policy, always followed by a dictatorship.

That is the history of the world. We are contributing to our own demise as we think short-term political expediency so we can look good at home, so we can satisfy demands at home.

Will Durant said:

> A great civilization is [never] conquered from without until it has destroyed itself [from] within.

We have now $79 trillion worth of unfunded liabilities that we are getting ready to lay on our kids and grandkids, and we are not thinking a thing about probably $1 billion with this bill of new additional expenditures for next year, if it gets appropriated. It is the price of doing business in Washington. We do not have that luxury anymore. We do not have the luxury of mortgaging the future of our children anymore.

Why is the dollar at a historic low right now? Is it because we are in a slowdown or a recession? Is that it? No. It does not have anything to do with it. It has to do with the world confidence in our ability to repay our debt and the debt the rest of the world sees coming to us, which comes out to, if you were born today, $400,000 over your lifetime. Now, how many of us have children or grandchildren who could absorb just the interest on $400,000? A few, but most of us could not do that.

So this debate is a philosophical debate. I am not worried about being a source of frustration in the Senate. I am worried about the future of our country, and if I create some scrapes and bruises on my way to wake us up to what the American people want us to do—which is think long-term, fix the structural problems, and quit pandering back to our individual desires in the State—this Congress has become a parochial Congress. It is more important to do what is right for your State than it is for what is right for the country. How dare us. That has nothing to do with our oath. None of us has our State mentioned in the oath we take when we accept this office.

So we are about to pass 62 pieces of legislation, none of which had a hearing until after they passed out of the committee—17 hearings post coming out of the committee. As to saying we have to meet this because it is bipartisan, it is a bipartisan failure to think about the future of this country and what is in the long-term best interests of the country, as we satisfy looking good at home to ensure our next election is put ahead of the next generation of this country.

I am not going to participate in that. I am going to continue to work to make sure any piece of legislation that comes to this floor is thinking about the long-term, not the short-term. If that creates ill will among my colleagues, I apologize in advance. I would much rather be remembered as somebody who was interested in protecting the future of our children than playing nice in the Senate. As Phil Gramm said: I didn't come here to make friends, and I haven't been disappointed.

The real fact is, what did we all come here for? We all came here with that in mind, to do what is best in the long-term interests of our country. It is important for us to be reminded when we are not doing that. There can be a difference of opinion about priorities. There cannot be a difference of opinion about the amount of trouble we are in. There is no difference of opinion in terms of trouble. It does not matter how we got here. The fact is, we are here. We are in trouble.

How is it that we put a delegate for an island territory in this bill that has 60,000 residents that we are going to put $5.6 million into over the next 3 years? That we are going to create another delegate—what does that have to do with natural resources and lands? How did that get in here?

We have added an intermodal transportation center in Trenton, ME. It authorizes the Federal Government to pay 40 percent of it, no matter what it costs. There is no limitation that this will be a competitively bid contract. No matter what it costs, we are on the hook for 40 percent of whatever it costs. And we are on the hook for 85 percent of what it will cost to run it thereafter. The only problem is, there are three other visitor centers within walking distance of this one. But we wanted to do it.

I could go on and on and on. The fact is, this debate is not about process. It may be to you, but it is not to me. This debate, for me, is whether we are going to change our behavior at every point to start thinking about the long-term future of this country.

I have the greatest respect for Chairman BINGAMAN. He has been an absolute gentleman to me in every way in every dealing. But we have a philosophical difference. He is charged to move bills out, to get things done. Most of them that have no cost he will readily agree I have had no objection to. He knows that. We have not tried to block those. But they are combined with the other bills because they know that is a force to create the votes, to get things that might be somewhat more controversial spending. That is his job. I understand that.

I have no ill will toward anyone. What I have an ill will for—and when I leave the Senate, what I will take to my grave—is not being good enough to convince us to do what we swore an oath to do, and that is to think long-term, think what is best for our country, not what is best for our State; think what is best for our children, not what is best for us; think what is best for our country, not what is best for our party; think what is best for America. We are losing. Consequently, we see it happening in our country.

So it is time to really clarify what this debate is about. It is really not about a lands bill; it is about the philosophy where we continue to work and run like a loose barge in the Mississippi River that does not have a tug associated with it. Are we going to do that? Because that is what is happening.

One amendment I am going to be offering just says we ought to know what things cost. How much land do we have and how much does it cost to have it? We are going to have it objected to, not because it is not common sense but because we are afraid the whole package might not get accepted if something common sense is in it like knowing how much our land costs us, knowing how much land we have, having an inventory, and making a judgment, a metric about what we are doing. Nobody is thinking the big picture. We are thinking the political picture. So here is the amendment. It is not going to go anywhere, most likely, but it absolutely makes common sense that we would do that, that we would know all the properties we own.

We have another amendment that is going to say that citizens have to give their approval when somebody comes onto their land who does not own their land—just basic property rights saying: If somebody is going to set up a heritage area, they ought to get permission to come onto private land, if it is your land and somebody is coming on it. We take that right away in heritage areas. It is gone. They do not have to do it. It is a commonsense amendment that says if you own land, you ought to have the right that is guaranteed you under the Constitution to have your land protected. It is your land.

We have so much unwanted property where all the land agencies want a way to get rid of it, but yet they cannot. They cannot. They do not even have the money to get rid of it. So there is an amendment that says: Let's take 1 percent of the cost of this bill and allow the different agencies to get rid of the excess properties they have. It is not complicated.

The other thing is, we are going to offer an amendment requiring that citizens within a national heritage area are informed of the designation before it happens. If we are going to pass a law that is going to impact somebody's private property, shouldn't we tell them ahead of time? Shouldn't they have notice? Shouldn't they have the

rights guaranteed to them under the Constitution?

I have spoken enough, but I think under the guise of the lands bill I have explained the real problem. There is a difference of philosophy. I will not stop fighting until we start thinking about the long-term problems facing this country.

I will not stop objecting to spending money that we know we intend to spend. We are just playing the game that: Oh, it is not an appropriation. Well, almost 30 percent of the appropriations are not authorized. So you cannot have it both ways. A third of the money we appropriate under the appropriations process is not authorized to begin with. So authorizations actually do not mean anything, do they? Or do they? Yes, they do, because they are not going to get appropriated, or they are, and if they are, we ought to be talking about real money that is going to be spent.

I want to talk for a minute about the backlogs in our parks because I think if the American people knew it, they would not stand for it until we did something. The National Park Service faces, right now, a $9 billion backlog. That is their number. That is not TOM COBURN's number. That is their number, a $9 billion backlog. With this legislation, they are going to take on more responsibility with no increased funds, which means the backlog is going to grow.

The Facilities Management Division of the National Park Service reveals there are at least 10 States where National Park Service maintenance backlogs exceed $100 million per park—$100 million per park. Twenty States have facilities with deferred maintenance exceeding $50 million. That does not include road maintenance, which is far higher. None of these numbers include the road maintenance we have not supplied the money for either.

They maintain 1,466 buildings built before 1900 but do not have the money to maintain them. They have 4,975 buildings constructed before 1950 but do not have the money to maintain them. They have 2,500 fixed assets—2,500 fixed assets—they do not want but this committee will not create a way for them to get rid of. They are still spending money on 2,500 facilities—2,500 different buildings—that they do not want, that they spend money on every year, that they are not using, but they have to keep it up.

The National Park Service has 31 sites in California alone. They have a State backlog, in California parks alone, of $584 million, exclusive of any roadwork. California is home to many of our treasures: Yosemite, Golden Gate, Sequoia.

New York national parks: They face a $347 million backlog—$347 million—home to Ellis Island, the Statue of Liberty. The Statue of Liberty has a maintenance backlog of $185 million, work that needs to be done on it. We are not doing it.

National parks in Wyoming: a $205 million maintenance backlog. That is Yellowstone, Grand Teton, Devils Tower. Yellowstone has a $130 million backlog. It is one of our great treasured western assets. Everybody who visits there has total enjoyment from it, and yet it has a $130 million backlog which we have not addressed.

There are no increased authorizations for maintenance backlogs. Glacier National Park in Montana, a backlog of $400 million; Washington, DC, home to our monuments, a $371-million maintenance backlog; New Mexico, $41 million; Arizona, $192 million. The National Parks Conservation Association said this: The average budget shortfall among 100 park units is 32 percent. In other words, we are supplying two-thirds of what they need to maintain their parks adequately, and with this bill we are going to be adding to all that and other lands other things they are going to have to be doing because of this bill, but we are not going to address the real needs.

Each of the new projects in this bill will siphon funds away one way or the other, directly or indirectly, from these important projects. Are we good stewards if we add things to be stewards of when we are not caring for the things we have already?

There was a wise man who once said: He who is faithful with small things will be faithful with big things. I would surmise and put forward to this body that we have not been good stewards with what we have already. Yet we are going to add to them.

AMENDMENT NO. 4522

Mr. President, I call up amendment No. 4522, and I ask unanimous consent that it be read and that Mr. MCCAIN be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4522.

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 require the Director of the Office of Management and Budget to determine on an annual basis the quantity of land that is owned by the Federal Government and the cost to taxpayers of the ownership of the land)

At the end, add the following:

**TITLE IX—MISCELLANEOUS**

**SEC. 901 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.—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) 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.

Mr. COBURN. Mr. President, this is a straightforward amendment. It requires an annual report of the Federal Government detailing the amount of property the Federal Government owns and the cost of Government and landownership to taxpayers.

This is just a small chart that shows the amount of land the Federal Government owns. As my colleagues can see, two-thirds of the Western United States is owned by the Federal Government in one form or another. It recognizes all of the core land, the parkland, the forest land, the heritage areas that are not—it doesn't recognize the heritage areas that we don't own, but it does recognize all the land holdings. Nobody has a metric on what we own. Not any one agency knows what we own in total, nor does anybody know

what it costs us to own it, nor does anybody know what it costs the communities for us to own it because it has been taken off the tax rolls.

Each year, the Office of Management and Budget would be required to issue a public report detailing Federal landownership. The report would specifically include the total amount of land in the United States and the percentage that is owned by the Federal Government; the percentage of all U.S. property that is controlled by the Federal Government—not necessarily owned, but controlled—the total cost of operating and maintaining Federal real property, including land, buildings and structures; a list of all Federal property that is unused and vacant—because why should we continue to maintain properties that are unused and vacant—including all buildings and structures; and the estimated cost of the maintenance backlog at each Federal agency with regard to their land holdings.

What this will do is give the taxpayers some transparency about the real nature of what we are doing. We are going down an alley blindly. We don't know what the cost is. We don't know what the total is. We certainly don't know what we are creating when we add more to it when we don't know the metrics on what we have already.

One of the things we need is greater accountability on the maintenance. It is strange to me that we can do what we are doing with this bill and not already know this information. Why would we not know what our total land holdings are and what their costs are? There are no requirements under current law to require public disclosure of the amount of land controlled by the Federal Government or the cost of such occupation to the taxpayers. There was an Executive order issued in 2004 that would require some of it to become publicly available, but what this amendment says is it all should be. It is an inventory. Every other organization, including the States, know what they own, and they know the cost to manage what they own. It is called management accountability. Transparency is the thing that leads to accountability.

When the President directly required the Office of Management and Budget to release a high-level report giving a picture of property ownership between 2004 and 2005, the Government decided to stop releasing the information on public domain lands. Wonder why that is. What happened is 90 percent of the lands aren't reported. So this amendment would legally require the Government to release information on all land it owns, how much it costs to maintain, and require the Government to track the growth of Federal landownership around the country.

This isn't hard to do. Once you have the database, all you do is add and subtract. The first year it will be tough. Every year after that it would not be hard at all. It is a computer program.

Governments track the property that individuals own. The Government therefore should disclose the same information about the land holdings that it has. The Government knows what land we own. Why shouldn't the American people know what land the Government owns? It is just common sense. If we want to manage our resources and manage our properties, then we have to know what it is and what it costs, but we don't. We don't use zero-based budgeting. Whatever they spent last year, they just ask for more. At the end of the year, if it is not all spent, they make sure they spend it; otherwise, they are liable to get a cut. So we are not putting the money in based on what we know the need is; we are putting the money in based on a historical record that is obviously failing to maintain our national parks.

I will discontinue with any further debate on this amendment and yield to the chairman of the committee. I would just say commonsense knowledge about what we own and what it costs us is something the American taxpayer ought to have, and to vote against this for some reason because we can't goes back to the same philosophical argument. We are going to have the short-term excuse for the long-term problem, and we are never going to get out of this hole.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me respond on this particular amendment that the Senator from Oklahoma has presented or called up for consideration.

The amendment does require the Director of the Office of Management and Budget to post an annual report on the Internet that details quite a few different things. First, how much land is ''within the jurisdiction of the United States;'' second, how much of that land is owned by the Federal Government, both in total and on a State-by-State basis; third, a description of how much it costs to maintain all lands, buildings, and structures on an agency-by-agency basis; fourth, extensive information on the number of unused and vacant assets and the value of operating costs for each such vacant asset; fifth, the estimated maintenance backlog of each Federal agency, presumably on these various assets.

The amendment does not just apply to national parks and national forests and reclamation projects and public domain lands which, of course, our committee would have jurisdiction of, the Energy and Natural Resources Committee, but also the national wildlife refuges, Indian trust lands, GSA properties, post offices, military bases and facilities, veterans hospitals. And those, of course, are under the jurisdiction of other committees I do not serve on.

To give a sense of the breadth of the amendment, the Office of Management and Budget would have to provide detailed information each year on approximately 1.2 billion real property assets worldwide and over 636 million acres of land.

There is no provision in the amendment to exempt any sensitive information that the Department of Defense might wish to withhold or the Department of Energy or the CIA or any other agency that has a national security responsibility.

While there is certainly room for improvement in Federal property management—and in that regard I agree with the Senator from Oklahoma—I do not believe we are ready to act on this amendment at this time or adopt this amendment. I believe compliance with the amendment would be very burdensome, time consuming, and expensive, and, of course, it is a responsibility that would have to be updated each year.

My own view is, this amendment, if proposed as a freestanding bill, would not be referred to our committee, not the Energy and Natural Resources Committee. I believe it would be referred to the Homeland Security Committee because they have Government-wide responsibility. We have no idea how much cost would be involved to each agency in compiling this information for the Office of Management and Budget. I assume it would be a substantial cost, and it is not one that I think we should act upon with this bill without any idea of that cost.

So my own preference, frankly, would be that if the Senator wishes to have a report such as this developed, the appropriate way to proceed would be to go to the chairman and ranking member of the Homeland Security Committee, ask for a hearing on this proposal, get that committee to look seriously at what can be done to develop this kind of report, what cost is involved in developing this kind of report, whether there are needs that national security would require for putting some exemptions into this report so that we would not be putting on the Internet information that some of our national-security-related agencies would not want posted on the Internet. That would be the approach I would urge on my colleague.

So for all of those reasons, I oppose the amendment and urge my colleagues to oppose it when it comes to a vote.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I will defer to my colleague from Oklahoma.

Mr. COBURN. Mr. President, would my colleague yield for just a moment so I may respond?

Mr. SCHUMER. I would be happy to.

Mr. COBURN. I want the chairman of the committee to know that we worked very closely with OMB as we developed this amendment. This is not a significant cost because they have been gathering this data to a certain extent already. I would gladly take a second-degree amendment to offset any sensitive

data that might be incurred so it would not be made available.

There is no question there is some cost to it, but the yearly cost is minimal, and OMB has already stated that. The cost of establishing it, yes, I agree, it would be hard. But what my colleague has said is we really don't want to manage all of the properties because we don't want to know. That is the important thing, that we can't directly manage them unless we do that.

So I yield the floor.

Mr. SCHUMER. Mr. President, I thank my colleague from Oklahoma, with whom I do not agree on many things, but I know he speaks with integrity and from the heart.

I rise to speak in support of S. 2739, the Consolidated Natural Resources Act of 2008, which we are working on. I wish to thank my colleague from New Mexico, Chairman BINGAMAN, and Vice Chairman DOMENICI for their leadership on this legislation. We have waited a long time for it. In the Senate we need to get just about everyone on board. Due to some Senators' steadfastness, including Majority Leader REID's, we are here today.

All provisions of the legislation are important, but there is one provision for western New York for which we have waited a very long time, and that is the provision that would designate land at thematic sites along the entire Niagara River corridor—from Buffalo in the south to Lake Ontario in the north—as a national heritage area.

Establishing this heritage area will allow us to protect the world class natural resources of Niagara Falls while promoting tourism and economic development in the region. For the first 5 years of this heritage area, a Federal commission would work to implement a management plan to capture the full benefits of the natural, historic, cultural, and recreational resources of the entire Niagara Falls region.

Known the world over, Niagara Falls, of course, is a geological wonder that has drawn visitors for more than 200 years. But the region has so much more than just the profound drama of beautifully cascading waters.

The Niagara River corrridor has played an important role in our Nation's history. Native American culture, early European exploration, the French and Indian War, the American Revolution, the War of 1812, the Underground Railroad, and the development of hydroelectric power all have strong connections to the region.

Furthermore, the Niagara River corridor abounds with scenic beauty that offers something for recreational enthusiasts of all stripes. With numerous State parks in the area, hikers, fishermen, birders, and hunters flock to the region to enjoy its outdoor splendor.

Despite these strong assets for tourism, visitors to the U.S. side of Niagara Falls have been on the decline for several years. Too much of the New York side of the border is marked by aging infrastructure and blighted land. And all too frequently, visitors spend far more time on the Canadian side of the falls, while barely visiting the New York side. We must reverse this trend.

Let me be clear. The attractions and resources exist for the Niagara River corridor to become a world class destination. But the attractions it offers lack a comprehensive, unifying thread that ties the elements together in a meaningful way for the visitor.

Designating the land a heritage area will help us link the existing sites of interest in a coordinated fashion, marking the region effectively, and attract more visitors. It will promote collaboration among Federal, State, and local resources and help spur investment and economic development in the region.

Let me say that this heritage area has been years in the making. When I first was elected to the Senate in 1999, people in Niagara Falls said we have to do something. It probably surprises my colleagues that there is virtually no Federal involvement at Niagara Falls, one of our greatest scenic wonders. We tried to figure out the way to go. Some advocated it should be a national park, and there were other things. We concluded that the heritage area is the right way to go. It will allow Federal help to come to the region, Federal resources and experience, with planning and linking the great wonder of Niagara Falls to other historic and tourist attraction sites, but at the same time it will allow the local region to maintain control.

So in 2001, at my request, the NPS reconnaissance team visited the region and recommended a congressionally authorized study be undertaken to determine the best development strategies for the area along the Niagara River. We asked them to look at the heritage area.

In 2005, the National Parks Service completed that study. I thank the Park Service, because they certainly relied on local input. There was tremendous local input here, so nobody in the Niagara Falls area felt anything was being rammed down their throat. What they found—the Park Service—is strong local support for a heritage area, as well as a very great need for the resources it would offer. The report wrote:

> In order for Niagara Falls to fulfill its strategic role as a key regional attraction, it is necessary for it to upgrade the visitor experience to match the expectations of 21st century travelers.

That sums up the challenge we face in Niagara Falls. The study concluded that based on Niagara Falls' natural and cultural resources, the evidence of a thematic framework, the potential for effective public and private partnerships, as well as strong public support, the region met the criteria for designation as a National Heritage Area.

Last May, the Subcommittee on National Parks held a hearing on this issue, where I testified in support of the bill. After the hearing, we worked closely with both the National Park Service and the Energy Committee staff—whom I thank for the good work they do—to iron out the technical corrections to the bill so it could be discharged by the full committee. The heritage area has been studied now for more than 7 years. It has broad public support, and it is time for it to become law.

The $10 million authorized under this act should help Niagara Falls realize a substantial return on that investment. First and foremost, any Federal expenditures will be matched by State, local, or private contributions, adding millions more to the investment in the region.

Second, it is estimated that implementing the heritage area would attract 140,000 new visitors per year, and some estimates project that this would infuse up to $20 million into the local economy annually.

With the summer tourist season fast approaching, we are reminded that far too many visitors only view Niagara Falls from the Canadian side of the border. They have missed out on the history, culture, recreation, and natural beauty that is found in equal measure on the New York side. This legislation will take great strides in balancing that inequity and help revitalize an area of our country in need of investment and economic development.

With that, I yield the floor and thank my colleague for working so long and hard with us to make this legislation today a reality.

Mr. BINGAMAN. Mr. President, I believe the Senator from Oklahoma has three additional amendments he wants to present. I believe he has 30 minutes on his side and I have less than 15 on our side. I will defer to him to go ahead, and then I will have a few minutes to respond.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma is recognized.

AMENDMENT NO. 4521

Mr. COBURN. Mr. President, I think we will finish well before 2:15. That is my hope. So if we are looking at votes, I hope they will have some notice about that time. I ask unanimous consent to set aside the pending amendment and bring up my amendment No. 4521, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor of the amendment.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4521.

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 require approval prior to the assumption of control by the Federal Government of State property)
>
> At the end, add the following:

**TITLE IX—MISCELLANEOUS**

**SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.**

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

Mr. COBURN. Mr. President, the American Farm Bureau and American farmers and ranchers had endorsed all of these amendments at an earlier time. I assume they would again, because it is the same language that was used in the past. Today, the National Taxpayers' Union endorsed these as commonsense freedoms for us.

This amendment is pretty straightforward. It says that if the Government wants to take your land, you ought to be able to say, yes, I agree or you ought to be able to say no. What this bill does is it authorizes the Federal Government—they can still acquire new lands, but if it is going to have an impact on your land—not their land but your land—the citizens ought to get a vote on it. It is called real transparency in government and real participatory democracy.

A lot of Americans are concerned about the excessive Government influence over their land. We can say they are not, but they are. People in my State of Oklahoma, in New Mexico, New York, and every other State have great concerns about property rights. This amendment is intended to address those concerns. It simply requires the citizens affected by Federal Government land grabs, or heritage areas, or others where we are talking about private lands being impacted, to have a vote, to have a say in the matter. It authorizes the Departments of Agriculture and Interior to continue to acquire land by purchase or exchange. It will not affect that.

The amendment would only apply to situations involving Federal eminent domain, when the Government takes property without the consent of the owner, or State and local governments cede private land to the Federal Government. The decision to cede property to the Federal Government may be voluntary by the State and local governments, but such a decision impacts the whole community. So all residents of an area, therefore, should have a voice in the decision to turn over public property that is controlled by bureaucrats in DC.

Do you realize that in all of our Western States, any single bureaucrat has more control in that State than the Governor of the State, where they own the majority of the land? Their implied power is greater than the highest elected official in the State. What they say goes, because it is the Federal Government. So whether it is a park ranger or forest ranger or manager of a forest or the BLM, what they say has more power than what the chief executive of any of those States says. When we look at this, we are saying if the Federal Government is going to take something by eminent domain, the people it will impact should get a chance to say yea or nay.

This goes back to the concept that we have a real right to own and hold property in this country. That is something many countries don't offer their citizens. We ought to be about protecting it at every level.

This amendment would involve local residents in Government decisions about their neighborhoods and communities. Sam Adams profoundly questioned, ''What liberty can there be where property is taken away without consent?'' What liberty is there when your property is taken away without consent or impacted without your consent or your zoning ordinance, because some bureaucracy from Washington funded through a heritage area decided what the zoning ordinances are going to be and has millions of dollars to move it, to your detriment, the private owner of property. What liberty is there when property rights are taken away? This amendment ensures both liberty and consent. It is very straightforward. It doesn't affect Federal transportation projects, national defense, or homeland security.

Delegating property decisions is not unusual. Eminent domain has been exercised through both legislation and legislative delegation. It is usually delegated to another government body. But the power may be delegated to private corporations, as we saw in Connecticut, such as public utilities, railroads, and bridge companies.

This amendment will delegate the final decision to the property holders who are being impacted—real property rights. If we agree as a majority, it happens; if we disagree, it doesn't.

The Supreme Court has approved the widespread use of the power of eminent domain in conjunction with private companies to facilitate urban renewal, for low-cost housing, for deteriorated housing, and the promotion of values, as well as economic development. In Berman v. Parker, a unanimous Court observed:

> The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic, as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious, as well as clean, well-balanced, as well as carefully patrolled.

This ever-expanding government power essentially allows Congress and unelected bureaucrats for any reason to take private property from citizens with little, if any, recourse. What liberty when property rights are not preserved?

This amendment is designed to provide some check on the ever-growing expansion on private property rights within this country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to this amendment and explain my understanding of it. This amendment prohibits the three agencies, the Department of Interior, Department of Energy, and the Forest Service, from assuming control—that is the phrasing in the amendment—over any parcel of land except through a voluntary exchange, unless the citizens of the political subdivision in which the parcel is located approve the assumption of control by referendum. Even if the assumption of control by the agency is approved by a referendum, that approval terminates at the end of 10 years, unless there is another referendum that extends it beyond 10 years.

It seems likely to me that the amendment would affect more than just the acquisition of fee title to land. It appears to include the interests in lands, such as rights of way, easements, possibly water rights, taking lands into trust for Indian tribes, and perhaps even friendly condemnations for public purposes.

As I read the amendment, since the only exception is for voluntary exchanges of property, I would think the sale of property—if one of these agencies wants to buy the land and a private landowner wants to sell the land to the agency, it would have to be approved by referendum. The amendment would give counties and communities, political subdivisions, veto authority over any Federal land ownership by these three agencies. I think it would frustrate congressional efforts to purchase or protect lands to make it virtually impossible to provide for any long-term Federal management or protection, such as is attempted in our national parks and monuments, wildlife refuges, historic sites, and wilderness areas. The amendment would adversely impact much more than land designated for conservation purposes. It would also impact Bureau of Reclamation dams, reservoirs, energy pipelines, and DOE facilities.

I think the concept of having to do another referendum every 10 years—I don't know how that would work, frankly. I don't know what would happen if you lose. Suppose the Federal Government goes ahead and acquires land through whatever means for a reservoir. At the end of the 10 years, there has to be another referendum on whether the Federal Government should maintain that land for that reservoir. If the referendum fails, I don't know what we would do with that reservoir at that point. There is not much of a private market for reservoirs. I don't know what action the Government would be expected to take at that point.

For a variety of reasons, I do not think this is a workable amendment, and it is one I urge my colleagues to oppose.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to try to move this debate forward. I see the Senator from Washington. Does she have debate on a specific amendment or comments on the bill?

Mrs. MURRAY. Just comments.

Mr. COBURN. Mr. President, we are going to try to get through our time agreement. I have two more amendments, if that is agreeable with the Senator from Washington.

I will make one comment on what the Senator from New Mexico said. What I heard him say is there is something wrong with people deciding it. The real concept of our country is we get to decide, and we have bastardized that by saying the Federal Government knows best.

I believe the people out there kind of know how things impact them. I think a plebiscite about what we are doing would be something that almost every American would welcome.

Will there be problems with it? You bet. Democracy is messy, but it is free. Giving them the right to have that answer and to vote, that is something that was guaranteed in the Constitution before we had an activist court that took it away. This is about putting it back.

AMENDMENT NO. 4520

I ask unanimous consent that the pending amendment be set aside and amendment No. 4520 be called up, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4520.

Mr. COBURN. Mr. President, I ask unanimous consent that the 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 all individuals who reside, or own property that is located, in a proposed National Heritage Area are informed of the designation of the National Heritage Area)

On page 203, between lines 2 and 3, insert the following:

**Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas**

**SEC. 491 NOTIFICATION REQUIREMENT.**

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

**SEC. 492. WRITTEN CONSENT REQUIREMENT.**

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

Mr. COBURN. Mr. President, this is another straightforward, what I believe most Americans would agree with, commonsense amendment. It says citizens within a national heritage area are informed of the designation and that governing officials must receive permission to enter private property. It is simple.

If I am in a heritage area, what happens often now is those who are empowered by the heritage area stake and survey your land, do all these things without your permission to enter your land—your land, not their land, your land. What we do is we broadly give the ability to violate property rights through the heritage area laws so people can access private property without permission. If I am wrong about that, then this amendment would cause absolutely no harm. But the fact is, I am right about it.

This amendment reestablishes the right of private property owners to control who goes on their land, when they go on their land, and what they are doing with their land. It reaffirms that if you have ownership, it is your land, and it does not take that right of a property owner away because it happens to be in a heritage area.

More and more heritage area designations are being made with little knowledge of the landowners involved. S. 2739 establishes three new heritage areas and extends the authorization and funding of several existing national heritage areas.

There is no requirement for the Federal Government to notify the individual within the area of its designation or its meaning. If we are going to have national heritage areas—and I agree at points they are great—do we not have an obligation to tell the landowner their land is getting ready to be subjected to all the parameters associated with a national heritage area? Do we not have the right and the obligation to ensure their property rights are protected as they are brought into a national heritage area?

I believe the Constitution says we ought to do this, we ought to restore what was already there. What is liberty without the rights of property?

I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak in opposition to this amendment as well.

This amendment would establish new restrictions for the three national heritage areas that are designated in this bill. It would prohibit the Secretary of the Interior from approving a management plan for a heritage area unless the local coordinating entity, which is usually a nonprofit group that is promoting tourism in this heritage area and developing the management plan, has provided written notification to each individual residing or owning property there.

The amendment also prohibits employees of the National Park Service or the local coordinating entity, usually the nonprofit group, from entering any private property within the heritage area without the written consent of the property owner.

The amendment, in my view, fails to understand what the designation of a heritage area means. Let me read some boilerplate language we put in every one of these national heritage area bills. It says in the bill, and we have this three times in this legislation because there are three heritage areas: Nothing in the subtitle abridges the rights of any property owner, including the right to refrain from participating in any plan, project, program or activity conducted within the heritage area. Nothing in the subtitle requires any property owner to permit public access to the land. Nothing in the title alters any duly adopted land use regulation. Nothing in the title authorizes or implies the reservation or appropriation of any water or water rights. Nothing in the title creates any liability, affects any liability under any other law of any private property owner with respect to any person injured on private property.

There is substantial confusion, I believe, about the idea that there is some great decrement of private property rights by the designation of these heritage areas.

The prohibition against employees of the National Park Service or coordinating entity from being able to enter private property without written permission of the landowner does not make sense, in my opinion. Heritage areas do not involve acquisition of Federal land. The amendment applies to any private land within large areas of the State. We have one in northern New Mexico which I was urged to try to establish—and we were able to establish it—by people who wanted to

promote tourism in northern New Mexico.

Under this language, a member of the Park Service or the coordinating entity would not be able to go to a mall or a restaurant or go to any other private property in northern New Mexico in a three-county area without written consent of the landowner.

In my view, the amendment should be defeated, and I urge my colleagues to vote against it when the time comes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in response, I wish to take a moment and read what three experts say about what the Senator from New Mexico said.

James Burling, principal property rights attorney for the Pacific Legal Foundation:

The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming ''willing sellers'' we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.

Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this:

The bill before Congress has nothing to do with a ''heritage trail'' but will result in a ''trail of tears'' for those least able to stand up for their property rights. This is no more than an effort to overreach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

I ask unanimous consent, because of time limitations, to have printed in the RECORD the rest of these comments.

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

REAL PRIVATE PROPERTY PROTECTIONS IN THE BILL? WHAT DO THE EXPERTS SAY?

(1) James Burling, principal property rights attorney for the Pacific Legal Foundation, had this to say about H.R. 5195 (similar ''protections'' in 109th Congress)

''The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming 'willing sellers' we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but of the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.''

(2) Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this regarding H.R. 5195:

''The bill before Congress has nothing to do with a 'heritage trail' but will result in a 'trail of tears' for those least able to stand up for their property rights. This is no more than an effort to over reach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

''Traditionally the elderly, minorities and the poor are most impacted by regulatory measures that restrict property owners in the use of their land. Protecting our heritage is a noble ambition, however these matters need to be handled at the local level by those closest to the issues at hand. It is important that the fundamental right of private property not be threatened by more misguided federal legislation.''

(3) R.J. Smith, recognized property rights expert and senior fellow at the National Center for Public Policy Research, said:

''The name itself for this National Heritage Area raises serious questions. It seems improper, even indecent, to name this the Hallowed Ground corridor and claim it is to 'appreciate, respect and experience this cultural landscape that makes it uniquely American' when it tramples on the very principles of private property rights, individual liberty and limited government that the Founding Fathers risked and gave their lives for. Lincoln himself reminded us in the Gettysburg Address that 'we cannot dedicate—we cannot consecrate—we cannot hallow this ground.' He reminded us that we must be dedicated to see that this 'new nation' 'conceived in liberty' had 'a new birth of freedom' and did 'not perish from the Earth.' Rejecting the very principles of the Founding Fathers that created our liberty and freedom is not a journey any free person should want to undertake.

''Any legitimate effort to attract tourism to old homes and mansions and to quaint little country main streets should properly be done privately and voluntarily by chambers of commerce, booster groups, and preservationist organizations. Not by the compulsory diktat of the National Park Service, the U.S. Congress, and anti-growth Greens. If you want to attract visitors try billboards, not federal force.''

(4) And as Dr. Roger Pilon, director of the Cato Institute's Center for Constitutional Studies, notes:

''There's nothing wrong with historic preservation—in fact, it's commendable—but it's got to be done the right way. However worthy your ends, when you prohibit people from using their property as they would otherwise have a perfect right to do, you've got to pay them for their losses. Indeed, it is not a little ironic to simply take those historic rights in the name of historic preservation.''

Mr. COBURN. Mr. President, here is what I would say in response to the chairman's comment. It is not unreasonable to have somebody who does not own your land, has no real business on your land, ask permission to come on your land. That is an absolute subrogation of the rights guaranteed under the Constitution which we are now embracing and say it is fine to not have to get permission. That is not what comes with property rights under the Constitution. If our defense is we do not believe in the Constitution and the rights of private property rights, then I would say we are misguided in what we are doing.

This is a simple way of saying, if we are going to have heritage areas and if I am a private property owner in a heritage area and you want to come on my property and survey, you ought to have to get my permission. You should not be able to come on my land without permission to do so.

The fact is, example after example—and I will submit additionally an article from the Nation magazine on examples of exactly what happens in heritage areas to private property rights. It is called ''An Ugly Heritage.'' I ask unanimous consent to have printed in the RECORD this article.

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

[From the Nation, Jan. 28, 2008]

AN UGLY HERITAGE—THE POOR MAN'S NATIONAL PARK; THE CITIZEN'S BURDEN

(By John J. Miller)

A few years ago, Lee Ott was driving around his vegetable farm in Yuma, Ariz., when he spotted a crew of surveyors putting stakes in his land. ''I stopped and asked them what was going on,'' he recalls. It turned out they were marking the boundaries of the Yuma Crossing National Heritage Area. Ott's farm fell entirely within its 22 square miles, and nobody had bothered to tell him. ''I became worried because I wanted to build a new house and a shop on the farm,'' he says. ''I didn't need anybody to give me a bunch of rules about how they should look or whether I could even build them.''

So he decided to fight back. He met with the Yuma County Farm Bureau, which then contacted all of the landowners within the Yuma Crossing National Heritage Area. ''About 600 people came to our meeting,'' says Harold Maxwell, a farm-equipment distributor. ''When I asked for a show of hands from those who knew they were in the NHA, only one hand went up.''

National Heritage Areas are like a poor man's National Park—they aren't actually owned by the federal government, but they're zoned by it. Instead of employing Park Rangers in stiff-brimmed hats, they're often administered by liberal groups that want to weaken the property rights of the people who hold a piece of land within or even near NHA boundaries. This is generally done in the name of historic preservation and environmental conservation. The Yuma Crossing National Heritage Area, for instance, includes an old territorial prison and some wetlands along the Colorado River. Yet NHAs are perhaps best regarded as a clever combination of pork-barrel spending and land-use regulations—and they're an increasingly popular tool for slow-growth activists who bristle at the thought of economic development that they don't personally control.

Since the first NHA was created in 1984 to preserve a 61-mile canal that runs between Lake Michigan and the Illinois River, more than three dozen have come into existence. Today, they're a growth industry: Ten were added in 2006 alone, and last fall, the House of Representatives passed a $135 million bill that swould set up six more. Some, such as the one in Yuma, are just dots on the map. Others are sprawling. The Tennessee Civil War National Heritage Area takes up the entire state.

''These are basically federal zoning laws,'' says Peyton Knight of the National Center for Public Policy Research, a free-market think tank that has tried to draw attention to the problem. The rules governing NHAs vary from place to place, but they tend to have a few features in common. One important element is the involvement of a ''management entity'' that works in conjunction with the Park Service to come up with a plan—in the case of one NHA, this means creating an ''inventory'' of properties of ''national historic significance'' that it wants ''preserved,'' ''managed,'' or ''acquired.''

Sometimes the ambitions of an NHA amount merely to a bit of parkland pump-priming. The website of the Rivers of Steel NHA near Pittsburgh boasts that it ''is spearheading a drive'' to have the National Park Service absorb an old steel mill and mentions a bill in Congress. So it's a federally funded organization that lobbies Washington for ever more subsidies.

But does the National Park Service really need more parks? It already operates almost 400 sites. Although some remain incredibly popular, visits within the system have declined in the last decade—a trend that started before the terrorist attacks of 9/11 resulted in fewer foreign visitors. What's more, the Department of the Interior is having trouble maintaining the properties it already runs. Its maintenance backlog is a multibillion-dollar wish list of unfunded repairs and improvements. The National Parks Conservation Association, a non-profit group, says that the parks need an extra $800 million per year just to fund their existing operations adequately. This certainly isn't the result of a Scrooge-like Bush administration: The Park Service is spending more money per visitor, per acre, and per employee than ever before.

Supporters of NHAs insist that they aren't in the business of buying or regulating property, which is true in the sense that NHAs do neither of these things directly. But they work to achieve these results indirectly, by encouraging local governments to implement restrictive land-use plans. ''That's how they achieve their goals—by pushing counties and towns to do what they can't do for themselves,'' says Cheryl Chumley, a Virginia writer who has tracked NHAs.

They do this by dangling the prospect of federal largesse in front of potential recipients. West Virginia's Wheeling NHA, which is basically a downtown preservation project, makes this explicit, according to a Heritage Foundation report by Chumley and Ron Ott. Its management plan calls for new zoning ordinances and the acquisition of private property. And how will it achieve these goals? As Chumley and Ott write, ''Major funding to support the activities . . . and the recommendations of this plan will be coming from the National Park Service.'' In the year prior to its most recent available tax filing, the Wheeling NHA received more than $2.5 million in government contributions—and not a dime from private sources.

One of the most controversial NHAs is the proposed Journey Through Hallowed Ground, which would encompass a corridor roughly 175 miles in length between Charlottesville, Va., and Gettysburg, Pa. The exact boundaries aren't determined because this NHA at least technically remains on the drawing board. But that didn't stop Congress in 2005 from giving a $1 million earmark to the Journey Through Hallowed Ground Partnership, a non-profit group that's pushing for the NHA. The organization's board is full of slow-growthers, including Peter Brink, the senior vice president of the National Trust for Historic Preservation. ''If this NHA becomes a reality, it would essentially deputize the National Trust and its allies to oversee land-use policy in the whole region,'' says Knight.

Once upon a time, historic-preservation groups operated public-education programs and tried to save old homes and hotels, often by purchasing them. Nowadays, however, they're much more interested in regulating land that they don't own. In Oregon and Washington state, where property-rights advocates have put forth ballot initiatives to compensate landowners when government regulations lower the value of their property, the National Trust has campaigned to defeat them. It even worked to derail a transportation project in Virginia because a proposed road expansion would have increased traffic near the Chancellorsville battlefield—not in it, just near it. Three years ago, Emily Wadhams of the National Trust testified to Congress that ''private-property rights have never been allowed to take precedence over our shared national values and the preservation of our country's heritage.''

Last October, the Journey Through Hallowed Ground Partnership issued a report on how it would pursue its objectives in an NHA: ''Farmland, in particular, is a threatened resource. . . . There are many opportunities to further protect these resources through conservation easements, Rural Historic District designations, Agricultural and Forestal districts, and private and public easement and land acquisition.'' Except for easements, in which landowners sell certain rights to their land, each of these suggestions would amount to having government agencies tell property holders what they can do—or, more likely, what they can't do. In September, more than 110 groups, including the American Conservative Union, the Family Research Council, and Freedom Works, signed a letter urging Congress to reject new NHAs.

Backers of Journey Through Hallowed Ground, including Republican congressman Frank Wolf of Virginia, cite a poll to claim that the public is behind them. What they don't reveal is something that the Fauquier Times-Democrat, a local newspaper, uncovered: The poll was sponsored by a group that endorses, the NHA, and 96 percent of the people in the survey didn't even know what the NHA is.

That's what happened in Yuma, Ariz.: Congress created the Yuma Crossing NHA, and hardly any of the locals knew about it until Lee Ott saw the surveyors on his property. The good news is that, Yuma's farmers fought back—they'asked members of Arizona's congressional delegation to intervene, and eventually the NHA was downsized dramatically. Today, it covers only, four square miles. Threats loom elsewhere, however, and an exhibit on the Yuma County Farm Bureau's experience will be featured at this year's American Farm Federation Bureau convention.

Although Monticello, the home of Thomas Jefferson, is run by a private group rather than the federal government, supporters of the Journey Through Hallowed Ground like to mention that the boundaries of their NHA would include it. They would do well to read Jefferson's words, and in particular a line that their foes enjoy quoting: ''The true foundation of republican government is the equal right of every citizen in his person and property and in their management.''

Mr. BINGAMAN. Mr. President, before we leave this amendment, I wish to make one more point. I read the language that is in the bill in each of these heritage area provisions that says there is nothing that prohibits or restricts the right of the landowner to deny access to his or her private property. That is the case under State property law in every State in the Union.

If I own a piece of property, if I am a private landowner and I don't want people coming on the land, I have the right to deny them access on my land. That includes Federal officials, surveyors, anybody I want to deny the right to come on my land. There is nothing in our legislation that in any way changes that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4519

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 4519 be the pending business. I also ask unanimous consent that Senator MCCAIN be added as a cosponsor.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4519.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the transfer of certain funds to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service)

At the end, add the following:

**TITLE IX—DISPOSITION OF CERTAIN FUNDS**

**SEC. 901 CANDIDATE ASSET DISPOSITION LIST.**

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to the Secretary of the Interior carry out this Act for each such fiscal year.

Mr. COBURN. Mr. President, I will try to do this fairly quickly because I know we are under a time constraint. Amendment No. 4519 requires 1 percent of the——

Mr. DOMENICI. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. DOMENICI. To inquire, I heard the Senator ask who be made a cosponsor?

Mr. COBURN. Senator MCCAIN.

Mr. DOMENICI. Did the Senator have an opportunity to discuss this with Senator MCCAIN?

Mr. COBURN. Senator MCCAIN contacted me and asked me, requested to be a cosponsor of my amendments.

Mr. DOMENICI. Of all these amendments.

Mr. COBURN. All four of these amendments, yes.

Mr. DOMENICI. I see. I will speak to that in my turn. I thank the Senator.

Mr. COBURN. Mr. President, this amendment requires 1 percent of the new spending authorized in this bill to be used to dispose of excess, unused, and unneeded Federal property to offset some of the cost of the bill.

What we know is we have a tremendous backlog in our parks. We have a tremendous backlog in almost every land ownership we have. We have tremendous maintenance needs in the Forest Service and tremendous maintenance needs in BLM. We are suffering to care for what we have.

All this amendment says is take 1 percent—they listed 6,500 different

items they want to get rid of—and use the money to help them get rid of them so they do not continue to spend money maintaining what they don't want and don't need. At a minimum, this bill authorizes $380 million of new spending, which only represents a fraction when we actually see what will happen. We will track this. My staff will track the actual spending that comes out of this bill in terms of appropriations so we will have it for historical reference. My amendment says to take 1 percent for use to get rid of these items and then take them away. When we have gotten rid of the excess items, we would not use the money to do that and that money will go to maintain the public parks we all value so much. It will help offset the hundreds of millions of dollars of new spending in the 2,000 property assets that in the Park Service alone have been slated for disposal but cannot be sold off solely due to the lack of funding to get rid of them.

So all this does is it directs some authorization and says: Park Service, take these 2,000 things, here is some money, get rid of them—the things you want to get rid of. And everybody agrees we should get rid of them. They haven't because they don't have the money because they have to go through all these various steps under the Federal Government's property rights legislation. But we say to them: Here is the money, so you don't continue to spend money on that, and instead you continue to spend money against this $9 billion backlog in our national parks.

What this does is it allows them to get rid of assets they no longer need. This gives them a way and the funds to do that. It allows them to truly dispose of what they want to dispose of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly on this amendment and in opposition to this amendment as well.

The amendment provides 1 percent of all amounts made available to the Secretary of the Interior to carry out the various provisions of the legislation—that is to the 60-some odd bills that are included here—beginning in 2008 and each fiscal year thereafter, be made available to the Director of the Park Service to dispose of assets described in the candidate asset disposition list. This is a list of structures the Park Service intends to demolish or to dispose of.

I think the description the Senator from Oklahoma made contemplated the sale of property. The truth is this is a list the Park Service keeps of buildings they no longer want to maintain. They wish to dispose of these, in the sense of destroying them, or tearing them down.

The amendment is essentially a tax on future appropriations for all of the programs in this package to pay for a specific asset disposal program of one agency within the Department of the Interior. Many of the programs authorized in this legislation have nothing to do with the National Park Service. It makes no sense, in my view, to reduce amounts appropriated for various unrelated programs and to other agencies, especially when the Park Service has never identified funding of its asset disposal program as a problem.

Each year we get a budget from the Department of Interior. They have never requested specific funds for this purpose. Instead, they use their regular construction funding to destroy property, to destroy these buildings when they determine that is a priority for them.

The amendment, of course, in my view also impinges upon the jurisdiction of the Appropriations Committee. I am not on the committee, my colleague Senator DOMENICI is, but we are essentially saying here that all future appropriations that relate to bills that are part of this legislation shall be taxed by 1 percent for this other purpose. That seems to me an unusual way for the Congress to begin undermining, through an authorizing bill, the appropriations that otherwise should be made by the Congress.

I urge my colleagues to oppose the legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I ask my colleague from New Mexico, how much time do you have left?

Mr. BINGAMAN. Mr. President, 2 minutes is remaining?

Mr. DOMENICI. For both of us?

Mr. BINGAMAN. I gather that is in our total hour?

I am glad to yield that to my colleague.

Mr. DOMENICI. I thank my colleague.

Senator, were you going to get some time on an amendment?

Mrs. MURRAY. Mr. President, I have not had a chance to speak on the bill. If I could—I understand we may be delaying the votes because of other reasons. If I could get 12 minutes to speak, after Senator DOMENICI, on the bill.

Mr. DOMENICI. Mr. President, first, I want to say to the Senator from Oklahoma that I have nothing but respect for him, and we have talked about the profession he practiced before he was a Senator, saving lives and being a doctor. But I do want to say that I wholeheartedly disagree with his approach to these bills and to what the Senator is doing in the Committee on Energy and Natural Resources in producing these bills for a vote. I think the Senator is wrong. I hope the Senate understands what he is doing, and I think if they do, they could each say to him: We appreciate what you are trying to do, but it is the wrong way to do it. It won't work.

Now, if you talk to Senators about what is going on in the Senate, I think most of them will tell you today that the Senate is borderline dysfunctional. We can't get things done. There are too many nuances that have been imposed upon us that we didn't know when we were putting them on that they were going to run us in all different directions, but we are there. So we can hardly get things done. It is kind of a dysfunctional body.

Along comes a bright Senator, and here is a package of bills, and so he looks at them and says: Oh my, this is a way to show I am going to save money. Well, Senator, you have the wrong package of bills. You have got the wrong package of bills. There will be plenty of opportunity for you to save the taxpayers money. Every appropriations bill or facsimile thereof—supplemental—put them together, 10 in 1 or one at a time, but plenty of opportunity for you to save money by attacking pieces of the appropriations bills. That is how you save money.

And for all those who are watching the good Senator from Oklahoma, all they have to do is say: Senator, we think you are on the right track, go after the appropriations bills. I am not asking you to, because I am an appropriator, but I am telling you if you want to save money for the taxpayers, that is what you should do, and there is plenty of opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I had intended to ask unanimous consent for 5 minutes. Did I not get it?

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. I thank the Chair.

Secondly, Senator, if you want to save the taxpayers money, then go after the place where the money is that is about to break your country, and that is the entitlements for Social Security, Medicare, and Medicaid. If you want to save your taxpayers from ruination, then get involved in reforming those programs so they do not make us go broke. Anybody who knows about your government will tell you, dear Senator, if that is what you want to do, DOMENICI is right, go after appropriations; that is where money is spent. Go after entitlements; that is where money is spent that is going to break your country.

And to prove to you that this bill does not spend money, all I can do is do it the way the Senate does it and ask the Congressional Budget Office: How much do these bills cost the taxpayers? Senator BINGAMAN, you asked that, and I don't know whether you already said it, but I am going to repeat it. This is Senator BINGAMAN's letter. He asked the Congressional Budget Office.

Now, we have to have institutions that take care of things, don't we? The Congressional Budget Office, not the Senator from Oklahoma, is charged with evaluating a bill and telling us about it. You know what they told us about this bill? Not only does it not

cost money, it makes money. This bill will bring into the Treasury in the next 4 years $48 million, because we have authorized the disposition of a couple of boats that were under lease. We said: Okay, go ahead and buy them, and they gave us the money.

So contrary to all the debate about costing money, and the taxpayers going broke, the bill makes money. Now, you can say: Oh no, it doesn't, I have another way of figuring it out. That is what the Senator says. But we can't have another way to do everything around here, another way to figure out what bills cost. We already have enough ways to figure them out, and they have got us so confused with what we have that we don't need any more. But if the Senator thinks he has a new one, and that is to delay this bill and take a piece of it and talk about it and say it is a bad piece that doesn't make sense, that is fine. But don't say you have a new way to protect the great public of America from overspending and that is to take after a lands bill full of authorization that nobody heretofore has thought of taking on for appropriations purposes, because it doesn't appropriate.

The good Senator is phenomenal. He is a phenomenon. But he isn't so great that of all the time in history we have had to look at these land bills nobody has said: We are going to follow each one and see how much it costs. That is one of his amendments, to follow its cost into government. You know what that means? It means there is a whole new set of books we have to set up. His approach will cost more money and wreak more havoc if we have to do that—find out how much they cost, even if he does them himself, as he suggested. He is going to see how much these authorizations cost, if anything, as they reach fruition—if they do.

Now, having said that, each and every one of the amendments offered by the Senator is very erudite. They lend themselves to discussion and debate. But every one of them, Mr. President and fellow Senators, every one of the amendments is so complicated, so full of contortions and turning the government this way and that way, that they ought to at least have a hearing. They haven't had a hearing. They shouldn't be adopted on this bill, where we have carefully had hearings on the bill, had votes on the bill, with 23 Senators participating before we put them in this package.

We should not put these four new ones on, one of which has to do with local government approving the acquisition of property by the Federal Government for parks. Before you can sell your property to the government, local government has to take a vote, and then 10 years later they have to take another vote to see if they were right. Do you understand, in the argument for simplicity of government, for making sure everybody can have their way, we have made government more complex by these amendments than anybody could ever imagine?

I, for one, say my hat is off to the Senator. I hope he finds a new approach, something new to attack to save money, but not a group of lands bills that are authorization bills only, that we have been told by the Congressional Budget Office will cost nothing in the way we handle bills here.

Now, if you want to change the way and have a new way to figure out how much bills cost, then we will have to have a long debate on which way we are going to do that.

I thank the Senate for listening, and I thank the Senate for yielding me some time, and I thank the Senator from Oklahoma for letting me speak as long as I have.

Mr. ALLARD. Mr. President, I rise today in opposition to amendment No. 4519 offered by my distinguished colleague from Oklahoma.

This amendment mandates a 1 percent across-the-board redirection of funds each year from all amounts appropriated to programs in this bill for the sole and specific purpose of removing assets—mostly old buildings and facilities—from Park Service operated lands that are determined to be surplus to need.

This 1 percent ''off the top'' charge has the effect of setting the disposal of National Park Service surplus assets above all other programs that are in this bill. In essence, it ties the hands of the appropriations committee to determine what amounts should be devoted to the disposal of Park Service surplus facilities each year.

Also, there is no connection between the wide variety of programs and projects that are in this public lands bill, and would be assessed this 1 percent charge, and the need to remove old buildings from parks. Put simply, this amendment does not make good sense.

As the ranking member of the Interior Appropriations subcommittee that provides the funding for the Park Service, I simply can't support such a proposal. It is up to the Appropriations Committee to review the agency's budget each year and set the appropriate funding levels for the various activities of the Service, including the disposal of surplus facilities.

Budget priorities change each year based on many factors, including the shifting needs of the agencies and the amount of money we have to work with under the budgetary caps set by Congress. That is why we have an annual appropriations process to weigh these variables.

To transfer 1 percent of funds appropriated under this act for one purpose forevermore takes away the Appropriation Committee's discretion, and indeed, its obligation to set priorities each year for the needs of our Nation's parks.

Last year, the Interior subcommittee provided the National Park Service nearly $1 billion to address maintenance and construction needs. I believe these funds are sufficient to allow the Park Service to address the most critical maintenance requirements including the removal of unneeded assets.

I urge my colleagues to support the chairman and ranking member of the Energy and Natural Resources committee and oppose this amendment.

I yield the floor.

Mr. COBURN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes 4 seconds.

Mr. COBURN. Mr. President, I will speak a minute or two, and then I will yield the Senator from Washington 5 minutes.

Mrs. MURRAY. I will speak after.

Mr. COBURN. We actually have a time agreement on the vote, so I am happy to yield the Senator some of my time, is what I am trying do, so I end up finishing. Is there a certain amount of time you need?

Mrs. MURRAY. Mr. President, I was going to ask unanimous consent to speak after all of the votes. I wanted to speak for about 12 minutes, and the other Senator from Washington, Senator CANTWELL, wanted to speak for 3 or 4 minutes. I know everyone wants to get to the vote, so I will use my time after the vote.

I ask unanimous consent that following the disposition of all of the votes on this package, on final passage, I be recognized to speak for 12 minutes, and the other Senator from Washington, Senator CANTWELL, be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Congressional Budget Office dated January 31, 2008.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, January 31, 2008.*

Hon. TOM A. COBURN, M.D.,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: This letter responds to your request for information on the estimated discretionary costs of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, as introduced on December 13, 2007. Because the bill was not reported from committee (the point at which we typically prepare estimates), CBO has not prepared a complete cost estimate for S. 2483; we transmitted a table showing the direct spending and revenue effects of the bill to the Senate Committee on Energy and Natural Resources on January 24, 2008.

Although we have not completed our analysis of S. 2483, we have previously completed cost estimates for bills (mostly in the House) that authorize projects similar or identical to nearly all of those authorized by S. 2483. The estimated discretionary costs contained in those previous estimates totaled nearly $320 million over five years, assuming appropriation of the necessary amounts. That figure is a reasonable approximation of the potential discretionary costs of S. 2483.

If you wish further details about S. 2483 or our previous estimates, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

PETER R. ORSZAG,
*Director*.

Mr. COBURN. Mr. President, this letter shows a cost of $320 million for these bills over the next 5 years. So this is the Congressional Budget Office. This isn't my paper, this is theirs.

I will spend a few minutes, and then I will yield back my time because I know people want to get to some votes.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. COBURN. Absolutely.

Mr. DOMENICI. Doesn't that letter say ''if appropriated''?

Mr. COBURN. Assuming appropriation. Yes, it does.

Mr. DOMENICI. That means if it is not appropriated, it doesn't cost anything.

Mr. COBURN. If it is not appropriated. But we are not passing these bills under the assumption they are not going to be appropriated. We are passing these bills under the assumption they will be appropriated.

As a matter of fact, the promise is made as we pass this. And either it is a hollow promise you are sending back home so you can say, yes, I did this, and lie to your constituents, or we are going to appropriate the money. It is one or the other. So either we are dishonest with whom we are telling we are doing something for or we absolutely intend to appropriate it. There isn't any other option.

I will finish up by saying this. Obviously, the senior Senator from New Mexico did not hear my earlier comments. We are in tremendous economic straits in the long term. This debate is not about the lands bill. It is about will we change the philosophy, will we honor our oath, and will we start doing what is right in the long term for those who come after us. The heritage we have embraced in this country is one of sacrifice—one generation sacrifices so the next has opportunity. If we keep doing this without regard—we don't know how much we are spending; we don't know how much the monthly costs are; we are not taking care of the parks as we should because we do not have an idea; we have a hodgepodge; we have a barge floating down the river without a tug on it—we are going to make the problem worse. I will remind my colleagues, the true accounting of this year's estimate is a $607 billion deficit. That is over $2,000 for every man, woman and child in this country. Every child born today in this country inherits an unobligated obligation they will have to pay, that they got no benefit from, of $400,000.

Am I frustrating the Senators from New Mexico? You bet. Are our children worth it? You bet. I am not going to stop. I am going to stand and say we are going to think long term, we are going to start protecting property rights, we are going to start thinking about our children, and we are not going to give up because we get lectured because we are not doing it the way we have always done it. The way we have always done it has us bankrupt. It is time for a change. Republicans and Democrats alike, our children are worth it.

With that, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on each of the amendments of the Senator from Oklahoma, if that is appropriate.

The PRESIDING OFFICER. Is there an objection to that request?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4519.

Mr. COBURN. Mr. President, I ask unanimous consent we vote on the amendments in the order in which they were presented.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 4522.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. Obama) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—30

| | | |
|---|---|---|
| Allard | Cornyn | Lugar |
| Barrasso | DeMint | McCaskill |
| Bayh | Ensign | McConnell |
| Brownback | Enzi | Sessions |
| Burr | Graham | Shelby |
| Chambliss | Grassley | Specter |
| Coburn | Hutchison | Sununu |
| Cochran | Inhofe | Thune |
| Coleman | Isakson | Vitter |
| Collins | Kyl | Wicker |

NAYS—63

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murkowski |
| Baucus | Feingold | Murray |
| Bennett | Feinstein | Nelson (FL) |
| Biden | Gregg | Nelson (NE) |
| Bingaman | Hagel | Pryor |
| Bond | Harkin | Reed |
| Boxer | Hatch | Reid |
| Brown | Inouye | Roberts |
| Bunning | Johnson | Rockefeller |
| Byrd | Kerry | Salazar |
| Cantwell | Klobuchar | Sanders |
| Cardin | Kohl | Schumer |
| Carper | Landrieu | Smith |
| Casey | Lautenberg | Snowe |
| Conrad | Leahy | Stabenow |
| Corker | Lieberman | Stevens |
| Craig | Lincoln | |
| Crapo | Martinez | |
| Domenici | Menendez | |
| Tester | Warner | Whitehouse |
| Voinovich | Webb | Wyden |

NOT VOTING—7

| | | |
|---|---|---|
| Clinton | Kennedy | Obama |
| Dodd | Levin | |
| Dole | McCain | |

The amendment (No. 4522) was rejected.

Mrs. MURRAY. Mr President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4521

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4521 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, we have just now concluded the debate on these amendments. I would yield back the time unless the Senator from Oklahoma wishes to speak.

Mr. COBURN. Mr. President, I ask unanimous consent that we yield back all time on all amendments so our colleagues who have planes and things they want to do can get them.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. If we do not do that, what will the order be?

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided prior to a vote on each amendment.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to Coburn amendment No. 4521. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 76, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—19

| | | |
|---|---|---|
| Barrasso | DeMint | McConnell |
| Brownback | Ensign | Roberts |
| Burr | Enzi | Shelby |
| Chambliss | Graham | Thune |
| Coburn | Grassley | Wicker |
| Cochran | Inhofe | |
| Coleman | Isakson | |

NAYS—76

| | | |
|---|---|---|
| Akaka | Biden | Byrd |
| Alexander | Bingaman | Cantwell |
| Allard | Bond | Cardin |
| Baucus | Boxer | Carper |
| Bayh | Brown | Casey |
| Bennett | Bunning | Collins |

Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Clinton
Dole
Kennedy
McCain
Obama

The amendment (No. 4521) was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4520

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the question is on agreeing to amendment No. 4520. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—27

Allard
Barrasso
Brownback
Burr
Chambliss
Coburn
Coleman
Collins
Cornyn
DeMint
Ensign
Enzi
Graham
Grassley
Hutchison
Inhofe
Isakson
Kyl
McConnell
Roberts
Sessions
Shelby
Snowe
Sununu
Thune
Vitter
Wicker

NAYS—67

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Cochran
Dole
Gregg
McCain
Obama

The amendment (No. 4520) was rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4519

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4519. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—22

Brownback
Burr
Chambliss
Coburn
Coleman
Cornyn
DeMint
Ensign
Graham
Grassley
Hatch
Inhofe
Isakson
Kyl
McCaskill
McConnell
Sessions
Sununu
Thune
Vitter
Warner
Wicker

NAYS—73

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—5

Clinton
Dole
Gregg
McCain
Obama

The amendment (No. 4519) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Madam President, today, I express my support of S. 2739, the Consolidated Natural Resources Act. I commend the chair and ranking member of the Senate Committee on Energy and Natural Resources for their leadership and the work of their staff on this important legislation. This bill represents a bicameral-and-bipartisan supported package of bills. It has many good initiatives that demonstrate our commitment to be responsible stewards of our national treasures and historic sites. The legislation also has targeted provisions that address unique circumstances and issues occurring in the Pacific region.

I express my support for titles VII and VIII of S. 2739 that relate to the Commonwealth of the Northern Mariana Islands, CNMI, and the Freely Associated States, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau.

The CNMI is a group of islands located east of the Philippines and south of Japan. Following World War II, the United States administered the islands under a United Nations trusteeship. In 1975, the people of the CNMI voted for a political union with the United States. The 1976 covenant enacted by Congress gave U.S. citizenship to CNMI residents and extended most U.S. laws to the CNMI. However, the covenant exempted the CNMI from U.S. immigration law. As a result of the CNMI's policies, today the population has increased fivefold, from 16,000 to 80,000. This growth has made both U.S. citizens, and the indigenous people of the islands, minorities in their own communities.

This legislation meets the Federal Government's interest in further implementation of the covenant, securing our borders, and in the establishment of stable immigration and labor policies on which the CNMI can build its future. The provisions included in title VII are identical to those passed by the U.S. House of Representatives on December 11, 2007. As the sponsor of the companion CNMI bill, I am pleased to report the CNMI provisions contained in S. 2739 are sensitive to the special circumstances and to the current economic downturn in the CNMI. The legislation provides a basis to transition the CNMI to Federal immigration laws, while protecting the local economy. These provisions are crucial to address the immigration abuses that have persisted in the CNMI for the past 20 years.

As chairman of the Subcommittee on National Parks, I am particularly pleased to join Senator WYDEN in including a provision on cooperative agreements that will protect the natural resources on our national parks. Title III of S. 2739 will give the Secretary of the Interior the authority to enter agreements with Federal, public, nonprofit organizations, and even private landowners to protect our coasts, wetlands, and watersheds contained within and outside of national park boundaries. This act supports collaborative efforts that will greatly benefit generations of park visitors.

Just as important as having cooperative agreements is the ability of these entities to work together and use them to combat the spread of invasive species. Invasive species are one of the greatest threats to our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damages to Hawaii's agricultural industry, tourism, real estate, and water quality.

One very successful public-private partnership in my State is occurring at Hawaii Volcanoes National Park on the island of Hawaii. The Ola'a-Kilauea Partnership is a cooperative land management effort involving State and Federal entities and willing private landowners. This partnership has jointly fenced 14,100 acres on State and private lands and eliminated the feral pig population from 9,800, while also controlling feral pigs in an additional 4,300 acres.

There are other examples, such as efforts on the island of Maui. I am proud to mention the work of the Maui Invasive Species Committee, which brings together the resources of individuals, and the Federal and State governments to collaborate and combat invasive species. One of the barriers they have faced in the past is the inability to spend Federal funds on projects that treat invasive species on lands adjacent to national park borders, where there is a clear and direct benefit to parks. This bill will provide the necessary authorization to support such efforts. This is especially vital as such cooperative agreements focus cooperative action to reduce invasive species on our national parks and other lands across the country.

The cooperative agreement provisions of Title III provide a very important step in controlling invasive species that are crossing geographic and jurisdictional boundaries. Land managers and other involved governments and organizations will have another tool to help address their invasive species management issues. Also it will allow the Secretary of the Department of Interior to protect park resources through collaborative efforts in lands within and outside of National Park System units.

I stand in strong support for the Consolidated Natural Resources Act. I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations, as well as meeting the needs of the Pacific region.

• Mr. McCAIN. Madam President, I am pleased that the Senate passed the Cesar Estrada Chavez Study Act of 2007, which was included as part of the larger public lands package, S. 2739. The bill would authorize the National Park Service to study whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of the study is to establish a foundation for future legislation that would then designate appropriate sites for national historic landmark status.

Since the 107th Congress, I've worked to pass the Cesar Chavez study language. It has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders. It is important that we remember his struggle and do what we can to preserve appropriate landmarks that are significant to his life.•

Mr. CARDIN. Madam President, today the Senate takes an important step forward in celebrating and commemorating one of our Nation's most important emblems and historic periods. Included in the Consolidated Natural Resources Act of 2008 is legislation that I authored, the Star-Spangled Banner National Historic Trail Act. I am proud to be joined by cosponsors of the original bill, including Senators MIKULSKI, WARNER, WEBB, and KENNEDY.

This land and water trail of almost 300 miles covers parts of Maryland, Virginia, and the District of Columbia to commemorate the events leading up to the writing of the ''Star-Spangled Banner'' during the Chesapeake Campaign of the War of 1812.

The trail traces the following major events: the arrival of the British fleet on the Patuxent River; the landing of the British forces in Benedict, MD; the sinking of the Chesapeake Flotilla at Pig Point in Prince George's County and Anne Arundel County, MD; the American defeat at the Battle of Bladensburg; the siege of the Nation's Capital and the burning of the U.S. Capitol and the White House in Washington, DC; the route of the American troops from Washington through Georgetown, the Maryland counties of Montgomery, Howard, and Baltimore, and the city of Baltimore to the Battle of North Point; and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

The National Park Service will administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance. Fort McHenry will be the lead park unit for trail operations. The land routes would follow existing public roads, along which British and American troops traveled. Over time, the routes will be marked on the ground and at water access points. In cases where the original routes have been lost to development or other causes, they could be interpreted through waysides as appropriate and feasible.

The bill requires the Secretary to encourage public participation and consult with landowners, Federal, State, and local governments on the administration of the trail. The bill prohibits land or interest in land outside the exterior boundaries of any federally administered area from being acquired for the trail without the consent of the owner.

The trail will open new economic opportunities for many Maryland communities, including Calvert County, our Port Towns of Prince George's County, and Baltimore City. More importantly, the Star-Spangled Banner National Historic Trail will guide Americans on a path that will help them understand the events that lead up to the epic battle at Fort McHenry in Baltimore Harbor.

At the fort, the garrison flag was flown on September 13 and 14, 1814, during the Battle of Baltimore. As the routed British ships sailed out of Baltimore Harbor on the morning of the 14th, lawyer Francis Scott Key was inspired to write the patriotic and defiant words of a poem that became the rallying cry for Americans who had fought their first war as a united nation. The poem was set to music and the song became the national anthem in 1931.

The ''Star-Spangled Banner'' was given to the Smithsonian Institution in 1907 by the grandson of the commander of Fort McHenry, LTC George Armistead, so that it could be preserved and displayed for the public. While the Smithsonian's National Museum of American History is currently closed for extensive renovation, its reopening this summer will showcase the Banner in an impressive new exhibit.

Mr. President, every day across the country, Americans salute the American flag. The Senate recites the Pledge of Allegiance to the Flag every legislative day. In sports arenas and countless other venues, we salute the flag daily. Today, I salute the work of the Senate in passing the Star-Spangled Banner National Historic Trail as part of the Consolidated Natural Resources Act of 2008. Through this legislation, millions of visitors will be inspired with the history of this iconic object and its significance during this important period of American history.

Mr. NELSON of Nebraska. Madam President, I rise today to speak on an item included in the bill before us. Before I address this particular issue, I first want to voice my strong support for some of the individual components that have been assembled in the consolidated package currently before the body.

The Lewis and Clark National Historic Trail extension and the Platte River Recovery Implementation Program and Pathfinder Modification Project authorization are measures I have been working on for some time, and I want to thank Chairman BINGAMAN for his efforts in bringing these measures to the point where they will shortly pass the Senate.

But there is another matter in this bill that is of some importance to Nebraska and to my constituents. Included in the bill is a section expressing the sense of Congress that a museum located in Paducah, KY should be designated as ''the National Quilt Museum of the United States.'' Now, this measure is nonbinding and carries no legal authority. As far as we can tell, it confers no authority for funding or anything of that nature. However, I would be remiss if I failed to mention that I had been working to resolve some concerns that I and some of my constituents have with this section.

You see, just the week before last, the International Quilt Study Center & Museum opened its doors in Lincoln, NE. This is a remarkable, 37,000 square foot facility that houses the world's largest privately held collection of quilts.

Thus, back in February, I objected to a unanimous consent request to pass H. Con. Res. 209, a concurrent resolution expressing the sense of Congress regarding the designation of the museum. That resolution had previously passed the House of Representatives unanimously. I have been working with the distinguished minority leader, Mr. MCCONNELL, and Congressman WHITFIELD of Kentucky, whose district includes Paducah, to craft a solution that would appropriately praise both museums for their individual and unique contributions to the world of quilts and quilt-making. I would like to thank them for their willingness to work with me.

Unfortunately, the entirety of H. Con. Res. 209 was included in section 335 of this bill before these discussions were able to run their course. I have filed an amendment to strike this section from the bill, so that we might continue to work out a resolution that properly honors the Paducah museum while not making any exclusive designations that exclude the International Quilt Study Center, but I understand the situation is such that my amendment is prevented from consideration before the full Senate.

Looking forward, I plan to honor this remarkable organization at the University of Nebraska in an appropriate manner. For purposes of balancing the record here today, I want to mention a few things about the remarkable facility in Nebraska.

The International Quilt Study Center & Museum has 37,000 square feet of exhibition galleries, collections storage, collections care, a reception hall, a library, reading room and classroom space. It is housed in a beautiful, newly constructed building designed by world-renowned architecture firm Robert A.M. Stern Architects and built with $12 million in private donations.

The mission of the International Quilt Study Center & Museum is to collect, preserve, study, exhibit, and promote discovery of quilts and quilt-making traditions from many cultures, countries, and time periods. The International Quilt Study Center & Museum is a dynamic center of formal and informal learning and discovery for students, teachers, scholars, artists, quilters, and others from across the Nation and around the world.

The International Quilt Study Center & Museum has the largest privately held quilt collection in the world—more than 2,300 quilts from 49 States and 23 foreign countries.

The International Quilt Study Center & Museum is centrally located in the heart of the United States and is open to the public year-round. I wish I could share information on the number of visitors who enjoy the museum each year, but the new facility is so new that such data is unavailable. However, we do know that individuals from all 50 States and from more than 15 foreign countries have visited the International Quilt Study Center & Museum in its previous homes.

The International Quilt Study Center & Museum has an international advisory board and annual supporters from all 50 States and many foreign countries, and hundreds of supporters, volunteers, and quilt guilds have supported the International Quilt Study Center annually since its formation in 1997.

The International Quilt Study Center's collections represent the entire gamut of quilt making in the United States, plus its antecedents in Europe. In addition, the International Quilt Study Center holds examples of cultural traditions from more than 23 countries.

In closing, the International Quilt Study Center & Museum in Nebraska is recognized nationally and internationally for its place of prominence in its field. It has the largest publicly held collection of quilts in the world; it is the largest quilt museum in the world; it is the only academic center devoted to quilt studies; it offers the only graduate program in textile history with a quilt studies emphasis. At the appropriate time, I hope the Congress will see fit to bestow upon it an honor befitting its contributions to our Nation's art, our heritage, and our history.

Mr. DURBIN. Madam President, as the Senate considers the Consolidated Natural Resources Act, I would like to highlight two provisions that are important for Illinois: the Abraham Lincoln National Heritage Area and the Lewis and Clark National Historic Trail Extension.

Illinois is known as the Land of Lincoln for good reason. Our 16th President spent more than 30 years of his life in central Illinois, starting in 1830 when his family moved to Macon County from Indiana. Abraham Lincoln had virtually no formal education—perhaps 18 months of schooling. His rise from humble origins to the highest office in the land and his decisive leadership through the most harrowing period of U.S. history brings hope and inspiration to all of us.

Next year marks the bicentennial of Lincoln's birth. Among the public activities planned to honor his life is development of the Abraham Lincoln National Heritage Area. Communities in 42 Illinois counties have worked together to document Lincoln's time in the State, assess the status of the places that played a role in his life and career, and recommend a plan to help develop the narrative of Lincoln's imprint on Illinois. The goal is to help develop sites in places where there is a Lincoln story to tell but no place to tell that story. Although the heritage area focuses on the life of Abraham Lincoln, the heritage area also brings out the rich history of each participating community, creating a broader context for Lincoln and his times.

Illinois features prominently in another important, earlier story in the making of America—the historic expedition of Meriwether Lewis and William Clark across the western frontier. Much has been said and written about that western journey, but equally fascinating is the ''Eastern Legacy'' of the Lewis and Clark expedition.

The journey began right here in the District of Columbia. That is where President Thomas Jefferson directed his private secretary Meriwether Lewis in June 1803 to lead a mission through the vast unknown territory west of the Mississippi River to the Pacific Ocean. Lewis gathered supplies and men in many Eastern States before meeting up with William Clark in Kentucky and traveling to Illinois.

Lewis and Clark established their winter camp at the mouth of the Wood River in Illinois. The following spring their Corps of Discovery departed Camp Dubois and began their historic scientific expedition west. Lewis marked this spot near present-day Wood River, IL, as the official ''point of departure.'' Two and a half years later, the team returned to this camp after its remarkable adventure to the Pacific coast.

The bill the Senate is considering will preserve this important and fascinating story through the Lewis and Clark National Historic Trail Extension, which will include sites associated with the preparation and return phases of the expedition—the Eastern Legacy. The trail extension includes sites in 11 Eastern States and the District of Columbia. The trail in Illinois includes sites from Metropolis along the Ohio River to Wood River at the confluence of the Missouri and Mississippi Rivers.

These two initiatives are very important to Illinois. I know the bill includes similar initiatives in other States. These development areas are significant, not just for the historic and cultural legacy but also for the economic development value for the host communities. Many Illinois communities participating in these heritage areas are very rural—with populations less than 3,000, few resources, and high unemployment rates.

The bill does much to preserve areas of natural beauty and expand our national historic trail system and national heritage areas that bring families outdoors and across our Nation to discover important events and geographic locations in the creation of America. It also celebrates Native American, Colonial American, European American, Latino American, and African American heritage. Finally, the bill establishes memorials and museums to honor our past and authorizes studies as the first step toward preserving historic sites that are at risk of being forgotten

Illinoisans are proud of our heritage and our place in history. The preservation programs in the Consolidated Natural Resources Act help tell America's stories—stories of sacrifice, bravery, and awe of the land's natural beauty—so that we and our children can carry on the historical traditions that others have handed down to us.

The Consolidated Natural Resources Act is a bipartisan package that brings together nearly four dozen projects to preserve our Nation's land and our Nation's heritage.

Mr. INOUYE. Madam President, today I join my colleagues in supporting the passage of S. 2739, the omnibus lands bill, which included two issues of special interest to me. First, the bill seeks to correct profound problems in local immigration laws that have enabled the import of low paid, short termed indentured workers to be brought to the Commonwealth of the Northern Mariana Islands, CNMI. Some were bought to work in garment factories. Others arrived in the CNMI, only to find that there was no job waiting for them, and were forced to find unpalatable means to work off their bondage debt. I am pleased that today, this bill will address longstanding concerns regarding the CNMI's immigration problems.

Secondly, this bill also includes a provision to expand the boundary of the Minidoka Internment National Monument, and establish a unit on Bainbridge Island, Washington, for a new Japanese American Memorial at the Eagledale Ferry Dock. The Minidoka site is significant, because the Minidoka Internment Camp featured the highest level of military participation in any of the camps, and Bainbridge Island was the first community for Japanese Americans to be relocated to. I believe that we need to do all that we can to preserve internment camp sites, because they serve as a powerful reminder of how important it is to have a vibrant democracy that protects the civil liberties of all.

Mr. WARNER. Madam President, I rise today in support of the Consolidated Natural Resources Act, S. 2739. This omnibus package includes language that is especially important to my State, as well as the Nation. Amongst other things, S. 2739 would designate some of America's most historic and beautiful lands as National Heritage Areas, including the area along Route 15 in Virginia. Known as the Journey Through Hallowed Ground, this effort has been championed by myself, my good friend Congressman FRANK WOLF, and Senator JIM WEBB. I thank them for all their efforts on behalf of this legislation.

As my colleagues are aware, National Heritage Areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 National Heritage Areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a National Heritage Area designation would afford it. Stretching through four States, and generally following the path of the Old Carolina Road, today's Route 15, the proposed Journey Through Hallowed Ground National Heritage Area is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are 15 National Historic Landmarks, 47 historic districts, a number of Presidential homes, and the largest collection of Civil War battlefields in the Country. It is an area, literally, where America happened.

With basic, technical assistance from the National Park Service, this proposed Heritage area would be managed by The Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the Hallowed Ground's offerings. Already, the Partnership has provided opportunities for thousands of visitors to enjoy the region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Now, before I conclude, I would like to take a quick moment to address several of the arguments voiced by critics against national heritage areas. First and foremost among these arguments, is that national heritage areas infringe upon private property rights. This simply is not accurate. As the Government Accountability Office, GAO, noted in testimony to the Energy and Natural Resources Committee, ''National heritage areas do not appear [to affect] private property rights'', GAO–04–593T. Furthermore, as an example that they don't, I offer up the State of Tennessee, in its entirety, which today is designated a national heritage area and has had no intrusion on property rights. And, lastly, I point to language in this legislation that I specifically put in to ensure that no intrusion on property rights occured. It states, in some detail, that ''nothing in this subtitle abridges the rights of any property owner.''

Other criticisms include concerns about the costs of heritage areas, and also that heritage areas increase the role of the Federal Government. To the issue of costs, I note that heritage areas provide a way for the Federal Government to highlight our Nation's historical, cultural, and natural resources without having to actually own and maintain them—which, as we know by the current maintenance backlogs in the Park System, are quite costly to the American taxpayer. Secondly, I would like to remind my friends that often heritage areas require a funding match before a single Federal dollar can be appropriated. This is the case for the heritage area which I come to champion today—The Journey Through Hallowed Ground. Every taxpayer dollar that is appropriated to the Journey Through Hallowed Ground must be matched equally by non-Federal entities.

As for the other criticism, that heritage areas increase the role of the Federal Government and impose upon State and local governments, I note that heritage areas require and provide exorbitant opportunity for State and local input. In fact, in forming the Hallowed Ground, the local coordinating entity sought and received support from every local city, county, and town within the proposed Heritage Area. The Governor and Virginia General Assembly, whom I sincerely thank, also supported this effort. I commend the Journey Through Hallowed Ground Partnership for reaching out to all these groups.

In conclusion, I urge my colleagues to join me in supporting this legislation, and I thank you for this opportunity to speak on behalf of The Journey Through Hallowed Ground.

Mr. DODD. Madam President, I support of S. 2739, the Consolidated Natural Resources Act of 2008, sponsored by Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee. This legislation will protect and preserve natural treasures all across this country. It is of particular importance to me and to the people of Connecticut, as it contains a provision I authored that would ensure the preservation of the Eightmile River watershed under the auspices of the Wild and Scenic Rivers Act.

As elected representatives, I believe that one of our most important obligations is to ensure that this country's vast array of natural resources and wilderness is managed in an environmentally responsible and sustainable way. We owe it to future generations of Americans to protect the areas of pristine beauty and ecological diversity that figure so prominently in our Nation's history and character. Since 1968, the National Wild and Scenic River Act has played a critical role in furthering this mission by making it the policy of the United States to preserve in free-flowing fashion, rivers of, to quote the act, ''scenic, recreational, geologic, fish and wildlife, historic,

cultural or other similar values . . . for the benefit and enjoyment of present and future generations.''

Designation of the Eightmile River as a Wild and Scenic River enjoys extraordinarily broad support in my home State, and a 3-year study by the National Park Service found that the river meets the criteria to receive a ''scenic'' designation. The entire Connecticut Congressional delegation supports this legislation, as does the Connecticut State Legislature, which passed a resolution of support. Most importantly, designation is supported by the communities that will be most affected by this designation, those in the Eightmile watershed. This effort to preserve the special attributes of the Eightmile is a product of the communities' recognition of the beauty and fragility of the special place in which they live. Votes in each community were strongly in favor of designation, in part because the study process and debate allowed for many perspectives to be heard.

The attributes of the river that are so valued by the residents of Connecticut include its clean water, with 92 percent of the watershed's streamwater meeting the State's highest quality standards, and no point sources of pollution. The streams flow freely with no dams or diversions—rare in a State that has been densely populated as long as Connecticut. Eighty percent of the land area is forested. The natural streams and large areas of interconnected forest provide habitat for rare species. In fact, the study for eligibility determined that the Eightmile River watershed ranks in the 99th percentile in New England for globally rare species per unit area. The residents of this unique area treasure the beautiful character of the Eightmile watershed. It is a quintessential rural New England landscape, dotted with colonial homes and historic churches and unmarred by modern industrial development.

The towns within the watershed have begun to implement the parts of the watershed management plan that are in their jurisdiction. Congressional designation as a Wild and Scenic River will bolster these efforts and provide the stability for ongoing long-term preservation. I urge my colleagues to join me in supporting this important legislation, and I thank the chairman of the Energy Committee for his extraordinary commitment to protecting this country's natural treasures.

Mr. SALAZAR. Madam President, I rise today in strong support of S. 2739, a package of natural resource bills that Chairman BINGAMAN has assembled. The bills that are in this package have received the unanimous endorsement of the Senate Energy and Natural Resources Committee and have cleared the House. I want to thank Senator BINGAMAN for his leadership in the Committee and I want to thank Majority Leader REID for bringing this package before the Senate for consideration.

There are four bills in this package that I am particularly proud to support: S. 500, a bill that would form a commission to study the possible creation of the National Museum of the American Latino; S. 1116, a bill that would help make better use of the water that is produced as a byproduct of energy development; S. 752, a bill that would authorize a program to assist with endangered species recovery along the Platte River in Colorado, Nebraska, and Wyoming; and S. 327, the César Estrada Chávez Study Act, which would help preserve the legacy of one of our Nation's most important civil rights leaders.

I want to spend a couple minutes talking about each of these bills, but first, Mr. President, I want to discuss the process through which we are debating these bills.

This is, as my colleagues all know, a highly unusual process for debating natural resource bills. Typically, the Senate is able to take up and pass with the strong support the 100 Members in this Chamber—most bills that pertain to national parks, forests, national museums, historic preservation, and cultural resource protections. If a bill clears the Senate Energy and Natural Resources Committee by unanimous consent it is likely that the full Senate will clear it by unanimous consent.

Why has this been the practice? Because most of the bills we pass out of the Energy and Natural Resources Committee are bipartisan, noncontroversial, and easily garner the unanimous support of 100 Members.

This is how Congress established the Black Canyon of the Gunnison National Park in Colorado in 1999. It is how we passed the Great Sand Dunes National Park and Preserve Act in my native San Luis Valley in 2000. It is how we established the Sand Creek Massacre National Historic Site in Kiowa County in 2005.

It is how we pass bills like the Buffalo Soldiers Commemoration Act, the Eisenhower Memorial Act, and the Ojito Wilderness Act. The list goes on and on.

Mr. President, on issues like health care, the economy, and Iraq, the parties do have real and substantial differences, and those differences merit serious debate here on the floor. But on how to protect our national treasures and traditions, we are usually in lock step.

Unfortunately, that has not been the case this year. Instead, every single bill that leaves the Energy and Natural Resources Committee, regardless of its subject or content, has encountered an objection.

Mr. President, each of us is certainly within our rights in objecting to a bill. That is a solemn right in this chamber, and it is one that ensures that when a Member has a strong, substantive objection to a bill, he or she can be heard.

Unfortunately, Mr. President, I fear that the objections to these bills make it even more difficult to make progress on the issues that face our Nation.

All the bills in this package have my support and the support of the Energy and Natural Resources Committee, but there are four bills of which I am particularly proud.

The first, S. 500, would help us determine how we can more properly recognize the contributions of Hispanic Americans to our nation's history. The Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007 would do what its title suggests: it would establish a commission to study the potential creation of a national museum dedicated to the art, culture, and history of Hispanic Americans. The Commission will be tasked with studying the impact of the potential museum and the cost of construction and maintenance. It will also be tasked with developing an action plan, a fundraising plan, and a recommendation on whether to proceed with construction of the museum.

The second, S. 1116, is a bill I worked on with my colleague from Colorado, Representative MARK UDALL, which would help make better use of the water that is produced during energy development. Each day, more than two million gallons of useable groundwater are wasted, turned into what is known as ''produced water,'' after it is brought to the surface during oil and gas drilling or coal bed methane extraction. This water is often contaminated beyond use.

The ''More Water, More Energy, Less Waste Act of 2007'', cosponsored by Senators BINGAMAN, DOMENICI, and ENZI—along with the late Senator Thomas—initiates a feasibility study on recovering ''produced water.'' It also establishes a grant program to test technologies that would convert ''produced'' water to ''useable'' water.

This bill will be of great value in the arid West, where we are constantly looking for ways to increase our water supplies for crop irrigation, livestock watering, wildlife habitat, and recreational opportunities. It is deserving of swift passage.

The third bill I would like to highlight is S. 752, the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act of 2007. It is a bill that Senator BEN NELSON, Senator ALLARD, Senator HAGEL and I introduced. The bill authorizes the Secretary of the Interior to participate in a program to help endangered species recovery along the Platte River in Nebraska, Colorado, and Wyoming. The Governors of Nebraska, Colorado, and Wyoming and the Department of Interior spent nine years developing the plan for this program, which they finalized in 2006.

S. 752 authorizes the Secretary of Interior to carry out the Endangered Species Recovery Program in partnership with the States. Under the bill, the States and Federal Government will share costs, 50–50, on projects that provide benefits for endangered and threatened species recovery and that

help with the monitoring and research on the benefits of the program. The bill authorizes $157 million to support the federal portion of the work.

Finally, Mr. President, this package includes a bill, S. 327, that would help preserve the legacy of one of our Nation's top civil rights leaders, César Estrada Chávez.

We all know the story of César Chávez. From a family of migrant farm workers, César Chávez began working in the fields at age 10. He moved from job to job across the Southwest, enduring the hardships and injustices of farm worker life. In 1952, at age 35, Chávez started working as a community activist, fighting for civil rights for all workers. Ten years later, he founded the National Farm Workers Association, which became the United Farm Workers of America, and led efforts to improve wages and working conditions. Chávez, through his work to improve the lives of farm workers across the country, is one of our nation's most important civil rights leaders. We must honor his memory and remember the sacrifices he made on our behalf.

To that end, the César Estrada Chávez Study Act would authorize the Secretary of the Interior to conduct a resource study, not later than 3 years after funds are made available, of sites associated with the life of César Estrada Chávez. The study would help determine whether those sites meet the criteria for being listed on the National Register of Historic Places or possible designation as national historic landmarks. I am a proud co-sponsor of this bill and will continue to fight until it is passed.

Mr. President, I want to again thank Chairman BINGAMAN and Majority Leader REID for their leadership in bringing this package of lands bills to the floor and for working to overcome the obstructionism that has, unfortunately, become so common in this body. These are bipartisan, commonsense bills that will help protect our nation's natural, cultural, and historic heritage, and I urge their prompt passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—91

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| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murkowski |
| Allard | Ensign | Murray |
| Barrasso | Enzi | Nelson (FL) |
| Baucus | Feingold | Nelson (NE) |
| Bayh | Feinstein | Pryor |
| Bennett | Graham | Reed |
| Biden | Grassley | Reid |
| Bingaman | Hagel | Roberts |
| Bond | Harkin | Rockefeller |
| Boxer | Hatch | Salazar |
| Brown | Hutchison | Sanders |
| Brownback | Inouye | Schumer |
| Bunning | Isakson | Sessions |
| Burr | Johnson | Shelby |
| Byrd | Kennedy | Smith |
| Cantwell | Kerry | Snowe |
| Cardin | Klobuchar | Specter |
| Carper | Kohl | Stabenow |
| Casey | Kyl | Stevens |
| Chambliss | Landrieu | Sununu |
| Cochran | Lautenberg | Tester |
| Coleman | Leahy | Thune |
| Collins | Levin | Voinovich |
| Conrad | Lieberman | Warner |
| Corker | Lincoln | Webb |
| Cornyn | Lugar | Whitehouse |
| Craig | Martinez | Wicker |
| Crapo | McCaskill | Wyden |
| Dodd | McConnell | |
| Domenici | Menendez | |

NAYS—4

| | |
|---|---|
| Coburn | Inhofe |
| DeMint | Vitter |

NOT VOTING—5

| | | |
|---|---|---|
| Clinton | Gregg | Obama |
| Dole | McCain | |

The bill (S. 2739) was passed, as follows:

S. 2739

*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 ''Consolidated Natural Resources Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREST SERVICE AUTHORIZATIONS

Sec. 101. Wild Sky Wilderness.
Sec. 102. Designation of national recreational trail, Willamette National Forest, Oregon, in honor of Jim Weaver, a former Member of the House of Representatives.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201. Piedras Blancas Historic Light Station.
Sec. 202. Jupiter Inlet Lighthouse Outstanding Natural Area.
Sec. 203. Nevada National Guard land conveyance, Clark County, Nevada.

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

Sec. 301. Cooperative agreements for national park natural resource protection.

Subtitle B—Boundary Adjustments and Authorizations

Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.
Sec. 312. Lowell National Historical Park boundary adjustment.
Sec. 313. Minidoka National Historic Site.
Sec. 314. Acadia National Park improvement.

Subtitle C—Studies

Sec. 321. National Park System special resource study, Newtonia Civil War Battlefields, Missouri.
Sec. 322. National Park Service study regarding the Soldiers' Memorial Military Museum.
Sec. 323. Wolf House study.
Sec. 324. Space Shuttle Columbia study.
Sec. 325. César E. Chávez study.
Sec. 326. Taunton, Massachusetts, special resource study.
Sec. 327. Rim of the Valley Corridor study.

Subtitle D—Memorials, Commissions, and Museums

Sec. 331. Commemorative work to honor Brigadier General Francis Marion and his family.
Sec. 332. Dwight D. Eisenhower Memorial Commission.
Sec. 333. Commission to Study the Potential Creation of a National Museum of the American Latino.
Sec. 334. Hudson-Fulton-Champlain Quadricentennial Commemoration Commission.
Sec. 335. Sense of Congress regarding the designation of the Museum of the American Quilter's Society of the United States.
Sec. 336. Sense of Congress regarding the designation of the National Museum of Wildlife Art of the United States.
Sec. 337. Redesignation of Ellis Island Library.

Subtitle E—Trails and Rivers

Sec. 341. Authorization and administration of Star-Spangled Banner National Historic Trail.
Sec. 342. Land conveyance, Lewis and Clark National Historic Trail, Nebraska.
Sec. 343. Lewis and Clark National Historic Trail extension.
Sec. 344. Wild and scenic River designation, Eightmile River, Connecticut.

Subtitle F—Denali National Park and Alaska Railroad Exchange

Sec. 351. Denali National Park and Alaska Railroad Corporation exchange.

Subtitle G—National Underground Railroad Network to Freedom Amendments

Sec. 361. Authorizing appropriations for specific purposes.

Subtitle H—Grand Canyon Subcontractors

Sec. 371. Definitions.
Sec. 372. Authorization.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Designation of the Journey Through Hallowed Ground National Heritage Area.
Sec. 404. Management plan.

Sec. 405. Evaluation; report.
Sec. 406. Local coordinating entity.
Sec. 407. Relationship to other Federal agencies.
Sec. 408. Private property and regulatory protections.
Sec. 409. Authorization of appropriations.
Sec. 410. Use of Federal funds from other sources.
Sec. 411. Sunset for grants and other assistance.

Subtitle B—Niagara Falls National Heritage Area

Sec. 421. Purposes.
Sec. 422. Definitions.
Sec. 423. Designation of the Niagara Falls National Heritage Area.
Sec. 424. Management plan.
Sec. 425. Evaluation; report.
Sec. 426. Local coordinating entity.
Sec. 427. Niagara Falls Heritage Area Commission.
Sec. 428. Relationship to other Federal agencies.
Sec. 429. Private property and regulatory protections.
Sec. 430. Authorization of appropriations.
Sec. 431. Use of Federal funds from other sources.
Sec. 432. Sunset for grants and other assistance.

Subtitle C—Abraham Lincoln National Heritage Area

Sec. 441. Purposes.
Sec. 442. Definitions.
Sec. 443. Designation of Abraham Lincoln National Heritage Area.
Sec. 444. Management plan.
Sec. 445. Evaluation; report.
Sec. 446. Local coordinating entity.
Sec. 447. Relationship to other Federal agencies.
Sec. 448. Private property and regulatory protections.
Sec. 449. Authorization of appropriations.
Sec. 450. Use of Federal funds from other sources.
Sec. 451. Sunset for grants and other assistance.

Subtitle D—Authorization Extensions and Viability Studies

Sec. 461. Extensions of authorized appropriations.
Sec. 462. Evaluation and report.

Subtitle E—Technical Corrections and Additions

Sec. 471. National Coal Heritage Area technical corrections.
Sec. 472. Rivers of steel national heritage area addition.
Sec. 473. South Carolina National Heritage Corridor addition.
Sec. 474. Ohio and Erie Canal National Heritage Corridor technical corrections.
Sec. 475. New Jersey Coastal Heritage trail route extension of authorization.

Subtitle F—Studies

Sec. 481. Columbia-Pacific National Heritage Area study.
Sec. 482. Study of sites relating to Abraham Lincoln in Kentucky.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 501. Alaska water resources study.
Sec. 502. Renegotiation of payment schedule, Redwood Valley County Water District.
Sec. 503. American River Pump Station Project transfer.
Sec. 504. Arthur V. Watkins Dam enlargement.
Sec. 505. New Mexico water planning assistance.
Sec. 506. Conveyance of certain buildings and lands of the Yakima Project, Washington.
Sec. 507. Conjunctive use of surface and groundwater in Juab County, Utah.
Sec. 508. Early repayment of A & B Irrigation District construction costs.
Sec. 509. Oregon water resources.
Sec. 510. Republican River Basin feasibility study.
Sec. 511. Eastern Municipal Water District.
Sec. 512. Bay Area regional water recycling program.
Sec. 513. Bureau of Reclamation site security.
Sec. 514. More water, more energy, and less waste.
Sec. 515. Platte River Recovery Implementation Program and Pathfinder Modification Project authorization.
Sec. 516. Central Oklahoma Master Conservatory District feasibility study.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 601. Energy technology transfer.
Sec. 602. Amendments to the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

Sec. 701. Statement of congressional intent.
Sec. 702. Immigration reform for the Commonwealth.
Sec. 703. Further amendments to Public Law 94–241.
Sec. 704. Authorization of appropriations.
Sec. 705. Effective date.

Subtitle B—Northern Mariana Islands Delegate

Sec. 711. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.
Sec. 712. Election of Delegate.
Sec. 713. Qualifications for Office of Delegate.
Sec. 714. Determination of election procedure.
Sec. 715. Compensation, privileges, and immunities.
Sec. 716. Lack of effect on covenant.
Sec. 717. Definition.
Sec. 718. Conforming amendments regarding appointments to military service academies by Delegate from the Commonwealth of the Northern Mariana Islands.

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

Sec. 801. Approval of Agreements.
Sec. 802. Funds to facilitate Federal activities.
Sec. 803. Conforming amendment.
Sec. 804. Clarifications regarding Palau.
Sec. 805. Availability of legal services.
Sec. 806. Technical amendments.
Sec. 807. Transmission of videotape programming.
Sec. 808. Palau road maintenance.
Sec. 809. Clarification of tax-free status of trust funds.
Sec. 810. Transfer of naval vessels to certain foreign recipients.

## TITLE I—FOREST SERVICE AUTHORIZATIONS

**SEC. 101. WILD SKY WILDERNESS.**

(a) ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled ''Wild Sky Wilderness Proposal'' and dated February 6, 2007, which shall be known as the ''Wild Sky Wilderness''.

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ADMINISTRATION PROVISIONS.—

(1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(i) a system of hiking and equestrian trails within the wilderness designated by this section in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) a system of trails adjacent to or to provide access to the wilderness designated by this section.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(4) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was

occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as ''Priority Acquisition Lands'' on the map described in subsection (a)(1). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(2) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(3) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this section.

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled ''Chelan County Public Utility District Exchange'' and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within 90 days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this section shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

**SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.**

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the ''Jim Weaver Loop Trail''.

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

## TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

**SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.**

(a) DEFINITIONS.—In this section:

(1) LIGHT STATION.—The term ''Light Station'' means Piedras Blancas Light Station.

(2) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to subsection (c).

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

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

(b) FINDINGS.—Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled ''Piedras Blancas Historic Light Station: Outstanding Natural Area'', dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(3) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(4) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

(B) objectives to restore the historic Light Station and ancillary buildings;

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16

U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(8) OVERFLIGHTS.—Nothing in this section or the management plan shall be construed to—

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(B) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(C) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. 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 et seq.; commonly referred to as the ''American Indian Religious Freedom Act'').

(11) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.**

(a) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under subsection (c)(1).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse Outstanding Natural Area'' and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

(9) STATE.—The term ''State'' means the State of Florida.

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(i) all forms of entry, appropriation, or disposal 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 and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925); and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

(B) in a manner that ensures full public participation.

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) INCLUSIONS.—The management plan shall include—

(A) objectives and provisions to ensure—

(i) the protection and conservation of the resource values of the Outstanding Natural Area; and

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

(i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and

(ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(i) as part of the National Landscape Conservation System;

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(i) adjacent to the Outstanding Natural Area; and

(ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled ''Southern Nevada Readiness Center Act'' and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

## TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

### Subtitle A—Cooperative Agreements

**SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### Subtitle B—Boundary Adjustments and Authorizations

**SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.**

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''Historic Site'' means Carl Sandburg Home National Historic Site.

(2) MAP.—The term ''map'' means the map entitled ''Sandburg Center Alternative'' numbered 445/80,017 and dated April 2007.

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

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(d) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(e) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

**SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.**

The Act entitled ''An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes'' approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

''(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).''.

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

''(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

''(i) 91 Pevey Street.

''(ii) The portion of 607 Middlesex Place.

''(iii) Eagle Court.

''(iv) The portion of 50 Payne Street.

''(v) 726 Broadway.''.

**SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.**

(a) DEFINITIONS.—In this section:

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

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

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni (''Let it not happen again'') memorial (referred to in this subsection as the ''memorial''), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

(ii) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map entitled ''Bainbridge Island Japanese American Memorial'', numbered 194/80,003, and dated September, 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

(C) IMPLEMENTATION.—To implement an agreement entered into under this paragraph, the Secretary may—

(i) enter into a cooperative management agreement relating to the operation and maintenance of the memorial with the City of Bainbridge Island, Washington, in accordance with section 3(1) of Public Law 91–383 (16 U.S.C. 1a–2(1)); and

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term ''Historic Site'' means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term ''Minidoka Map'' means the map entitled ''Minidoka National Historic Site, Proposed Boundary Map'', numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the ''Monument)'', as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

(ii) INCORPORATION.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the ''Minidoka Internment National Monument'' shall be considered to be a reference to the ''Minidoka National Historic Site''.

(3) BOUNDARY OF HISTORIC SITE.—

(A) BOUNDARY.—The boundary of the Historic Site shall include—

(i) approximately 292 acres of land, as depicted on the Minidoka Map; and

(ii) approximately 8 acres of land, as described in subsection (b)(1)(A)(ii).

(B) AVAILABILITY OF MAP.—The Minidoka Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as ''BOR parcel 1'' and ''BOR parcel 2'', including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as ''Public Domain Lands'' is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Historic Site shall be administered in accordance with—

(i) this Act; and

(ii) laws (including regulations) 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.).

(B) INTERPRETATION AND EDUCATION.—

(i) IN GENERAL.—The Secretary shall interpret—

(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States;

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

(A) IN GENERAL.—The Secretary may issue to Jerome County, Idaho, a document of disclaimer of interest in land for the parcel identified as ''Tract No. 2''—

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR DISTRICT NUMBER 2.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means Agreement No. 5–07–10–L1688 between the United States and the District, entitled ''Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2''.

(B) DISTRICT.—The term ''District'' means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH 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.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of 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 project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

(A) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(C) FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.**

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

''(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.''.

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

(1) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking ''20'' and inserting ''40''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

''(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000 for acquisition of lands and interests therein.''.

(d) INTERMODAL TRANSPORTATION CENTER.—Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

**''SEC. 108. INTERMODAL TRANSPORTATION CENTER.**

''(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

''(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

''(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

''(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

''(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

''(4) to assist with the operation and maintenance of the intermodal transportation center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

''(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.''.

**Subtitle C—Studies**

**SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.**

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled ''Vision Plan for Newtonia Battlefield Preservation'' and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) 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 subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), 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 conclusions and recommendations of the Secretary.

**SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.**

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

**SEC. 323. WOLF HOUSE STUDY.**

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House 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) 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. 324. SPACE SHUTTLE COLUMBIA STUDY.**

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term ''memorial'' means a memorial to the Space Shuttle Columbia that is subject to the study in subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(B) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(C) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

**SEC. 325. CÉSAR E. CHÁVEZ STUDY.**

(a) 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 sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, 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 recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for 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 on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) PRIVATE PROPERTY.—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

**SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the

''Secretary'') shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) 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).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, 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—Memorials, Commissions, and Museums**

**SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.**

(a) FINDINGS.—The Congress finds the following:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that ''as for this damned old swamp fox, the devil himself could not catch him''. Thus, the legend of the ''Swamp Fox'' was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms ''commemorative work'' and ''the District of Columbia and its environs'' have the meanings given to such terms in section 8902(a) of title 40, United States Code.

**SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.**

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—

(1) by striking subsection (j) and inserting the following:

''(j) POWERS OF THE COMMISSION.—

''(1) IN GENERAL.—

''(A) POWERS.—The Commission may—

''(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

''(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

''(iii) hold hearings and enter into contracts;

''(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

''(v) take such actions as are necessary to carry out this section.

''(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

''(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

''(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

''(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

''(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

''(4) POWERS OF MEMBERS AND AGENTS.—

''(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

''(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

''(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

''(ii) perform other duties as designated by the Chairperson of the Commission.

''(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

''(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.'';

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

''(o) STAFF AND SUPPORT SERVICES.—

''(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(2) STAFF.—

''(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

''(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not

to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

''(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

''(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

''(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

''(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

''(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

''(7) VOLUNTEER SERVICES.—

''(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

''(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(C) LIABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''.

**SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.**

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(A) The President shall appoint 7 voting members.

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

(C) In addition to the members appointed under subparagraph (B), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 1 nonvoting member.

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

(iii) experience in the study and teaching of Latino culture and history at the post-secondary level;

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service; or

(B) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the ''Museum'').

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(3) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(A) The availability and cost of collections to be acquired and housed in the Museum.

(B) The impact of the Museum on regional Hispanic- and Latino-related museums.

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

(F) How to engage the American Latino community in the development and design of the Museum.

(G) The cost of constructing, operating, and maintaining the Museum.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(3) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

**SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.**

(a) COORDINATION.—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

(b) DEFINITIONS.—In this section:

(1) CHAMPLAIN COMMEMORATION.—The term ''Champlain commemoration'' means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term ''Champlain Commission'' means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

(3) COMMISSION.—The term ''Commission'' means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term ''Hudson-Fulton commemoration'' means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term ''Hudson-Fulton Commission'' means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term ''Lake Champlain Basin Program'' means the partnership established by section

120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, ''Opportunities for Action: An Evolving Plan for the Lake Champlain Basin''.

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

(c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the ''Champlain Quadricentennial Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(II) residents of Champlain Valley, New York;

(iii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(II) residents of the State of Vermont; and

(iv) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(I) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(II) knowledge relating to the history of the Champlain Valley.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Hudson-Fulton 400th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(aa) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(vii) 2 members shall be appointed by the Secretary, after—

(I) considering the recommendation of the Mayor of the city of New York; and

(II) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(ii) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Hudson-Fulton Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate—

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(e) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this section have been appointed, the applicable Commission shall hold an initial meeting.

(2) MEETINGS.—A commission established under this section shall meet—

(A) at least twice each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of 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.—A commission established under this section shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

(f) 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.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(B) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), 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 in addition to 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) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of 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) IN GENERAL.—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 of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—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 that title.

(6) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) TERMINATION OF COMMISSIONS.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) $500,000 to the Champlain Commission; and

(B) $500,000 to the Hudson-Fulton Commission.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

**SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds that—

(1) the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

(2) the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

(3) quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

(6) the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

**SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds that—

(1) the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

(2) the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

(3) the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

(5) the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

(8) the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an

award-winning website that receives more than 10,000 visits per week;

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''.

**SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.**

(a) REDESIGNATION.—The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the ''Bob Hope Memorial Library''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the ''Bob Hope Memorial Library''.

**Subtitle E—Trails and Rivers**

**SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-SPANGLED BANNER NATIONAL HISTORIC 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:

''(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

''(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

''(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

''(i) carrying out preservation and development of the trail; and

''(ii) providing education relating to the War of 1812 along the trail.''.

**SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled ''Lewis and Clark National Historic Trail'', numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

**SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION.**

(a) DEFINITIONS.—In this section:

(1) EASTERN LEGACY SITES.—The term ''Eastern Legacy sites'' means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the ''Eastern Legacy'', including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term ''Trail'' means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

(b) SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(A) the suitability and feasibility of adding these sites to the Trail; and

(B) 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.

(2) STUDY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(B) IMPACT ON TOURISM.—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(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. 344. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.**

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the

Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

''(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

## Subtitle F—Denali National Park and Alaska Railroad Exchange

### SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term ''Corporation'' means the Alaska Railroad Corporation owned by the State of Alaska.

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

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

## Subtitle G—National Underground Railroad Network to Freedom Amendments

### SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 469l et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following:

**''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

''(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

''(1) $2,000,000 is to be used for the purposes of section 3.

''(2) $500,000 is to be used for the purposes of section 4.

''(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

**Subtitle H—Grand Canyon Subcontractors**

**SEC. 371. DEFINITIONS.**

In this subtitle:

(1) IDIQ.—The term ''IDIQ'' means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term ''park'' means Grand Canyon National Park.

(3) PGI.—The term ''PGI'' means Pacific General, Inc.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

**SEC. 372. AUTHORIZATION.**

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

**TITLE IV—NATIONAL HERITAGE AREAS**

**Subtitle A—Journey Through Hallowed Ground National Heritage Area**

**SEC. 401. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled ''The Journey Through Hallowed Ground National Heritage Area Feasibility Study'' dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

**SEC. 402. DEFINITIONS.**

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

**SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled ''Journey Through Hallowed Ground National Heritage Area'', numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 404. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) 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.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 405. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 406. LOCAL COORDINATING ENTITY.**

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

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

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 but not necessarily limited to 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 the State to manage fish and wildlife, including the regulation of fishing and hunting within the National 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.

**SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

**Subtitle B—Niagara Falls National Heritage Area**

**SEC. 421. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled ''Niagara National Heritage Area Study'' dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

**SEC. 422. DEFINITIONS.**

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Niagara Falls National Heritage Area established in this subtitle.

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

**SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Niagara Falls National Heritage Area,'' and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 424. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) 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.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 425. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 426. LOCAL COORDINATING ENTITY.**

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

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

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.**

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) 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.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(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.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

**SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(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 National 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.

**SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

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

**Subtitle C—Abraham Lincoln National Heritage Area**

**SEC. 441. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled ''Feasibility Study of the Proposed Abraham Lincoln National Heritage Area'' prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(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 periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes 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 in identifying, preserving, interpreting, and developing 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.

**SEC. 442. DEFINITIONS.**

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Abraham Lincoln National Heritage Area established in this subtitle.

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

**SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Proposed Abraham Lincoln National Heritage Area'', and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 444. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) 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.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 445. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 446. LOCAL COORDINATING ENTITY.**

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

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

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(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 National 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.

**SEC. 449. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

**Subtitle D—Authorization Extensions and Viability Studies**

**SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.**

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking ''$10,000,000'' and inserting ''$15,000,000''.

**SEC. 462. EVALUATION AND REPORT.**

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**Subtitle E—Technical Corrections and Additions**

**SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.**

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

''(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.'';

(2) by striking section 105 and inserting the following:

**''SEC. 105. ELIGIBLE RESOURCES.**

''(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

''(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

''(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

''(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.'';

(3) in section 106(a)—

(A) by striking ''Governor'' and all that follows through ''Parks,'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities, or'' and inserting ''National Coal Heritage Area Authority or''; and

(4) in section 106(b), by inserting ''not'' before ''meet''.

**SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.**

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting ''Butler,'' after ''Beaver,''.

**SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.**

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

''(O) Berkeley County.

''(P) Saluda County.

''(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.''.

**SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking ''Canal National Heritage Corridor'' each place it appears and inserting ''National Heritage Canalway'';

(2) by striking ''corridor'' each place it appears and inserting ''canalway'', except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking ''CORRIDOR'' and inserting ''CANALWAY'';

(4) in the title heading, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''808'' and inserting ''806''; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking ''807(a)'' and inserting ''805(a)'';

(6) in the heading of section 804, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(7) in the second sentence of section 804(b)(1), by striking ''808'' and inserting ''806'';

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking ''808'' and inserting ''806'';

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking ''Committee'' and inserting ''Secretary'';

(B) in the heading of subsection (a)(1), by striking ''COMMITTEE'' and inserting ''SECRETARY'';

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking ''Committee'' and inserting ''management entity'';

(D) in subsection (e), by striking ''807(d)(1)'' and inserting ''805(d)(1)''; and

(E) in subsection (f), by striking ''807(d)(1)'' and inserting ''805(d)(1)'';

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking ''Cayohoga Valley National Recreation Area'' and inserting ''Cayohoga Valley National Park'';

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking ''Committee or''; and

(B) in subsection (c), in the matter before paragraph (1), by striking ''Committee'' and inserting ''management entity''; and

(14) in section 809 (as redesignated by paragraph (9)), by striking ''assistance'' and inserting ''financial assistance''.

**SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.**

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance;

''(B) the design and fabrication of interpretive materials, devices, and signs; and

''(C) the preparation of the strategic plan.''.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

''(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.''.

(3) Subsection (c) is amended by striking ''2007'' and inserting ''2011''.

**Subtitle F—Studies**

**SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.**

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) 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 together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) PRIVATE PROPERTY.—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, 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 the findings, conclusions, and recommendations of the Secretary with respect to the study.

**SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means a National Heritage Area in the State to honor Abraham Lincoln.

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

(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 the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(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) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) 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 historical events 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 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 Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area 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 third 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.

**TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS**

**SEC. 501. ALASKA WATER RESOURCES STUDY.**

(a) DEFINITIONS.—In this section:

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

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

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(i) infrastructure risks to State transportation;

(ii) flood forecasting;

(iii) resource extraction; and

(iv) fire management.

(2) REPORT.—Not later than 2 years after the date of 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 describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.**

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

''(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).''; and

(2) by striking subsection (c).

**SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.**

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the ''Secretary'') shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) FEDERAL COSTS NONREIMBURSABLE.—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) GRANT OF REAL PROPERTY INTEREST.—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14–06–859–308 to provide a water supply to the Placer County Water Agency.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) RELEASE FROM LIABILITY.—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

**SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.**

(a) FINDINGS.—Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) AUTHORIZATION OF FEASIBILITY STUDY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) COST SHARES.—

(1) FEDERAL SHARE.—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

**SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.**

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

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

(b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) TECHNICAL ASSISTANCE.—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) ALLOCATION.—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) $4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

(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 enactment of this Act.

**SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled ''Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District'' (Contract No. 5–07–10–L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, 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 conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before 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), on the date of enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

**SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.**

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended by inserting ''Juab,'' after ''Davis,''.

**SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.**

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the ''District'') may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations 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.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

**SEC. 509. OREGON WATER RESOURCES.**

(a) EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1), by striking ''Deschutes River Basin Working Group'' and inserting ''Deschutes River Conservancy Working Group'';

(2) by amending the text of subsection (a)(1)(B) to read as follows: ''4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;'';

(3) in subsection (b)(3), by inserting before the final period the following: '', and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016''; and

(4) in subsection (h), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2016''.

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) 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 with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered 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.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection $6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the ''Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project'', dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting ''(referred to in this Act as the 'District')'' after ''irrigation district''; and

(B) by inserting ''(referred to in this Act as the 'Contract')'' after ''1953''; and

(2) by adding at the end the following:

**''SEC. 3. ADDITIONAL TERMS.**

''On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

''(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

''(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres,

of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled ''Land Classification, North Unit, Deschutes Project, 1953'' which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

''(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

''(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

''(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

''(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

''(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

''(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

**''SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

''The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.''.

**SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.**

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the ''Republican River Basin'');

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) 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 Act.

**SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**''SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

''(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 $12,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

''Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.''.

**SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.**

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

**''SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

**''SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

**''SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

**''SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County

Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

**''SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

**''SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

**''SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.''.

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

''Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
''Sec. 1643. Pittsburg Recycled Water Project.
''Sec. 1644. Antioch Recycled Water Project.
''Sec. 1645. North Coast County Water District Recycled Water Project.
''Sec. 1646. Redwood City Recycled Water Project.
''Sec. 1647. South Santa Clara County Recycled Water Project.
''Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.''.

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

**SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.**

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

**SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.**

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(b) PURPOSES.—The purposes of this section are—

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term ''Lower Basin State'' means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

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

(4) UPPER BASIN STATE.—The term ''Upper Basin State'' means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of 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 describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (d); and

(2) $7,500,000 to carry out subsection (e).

**SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.**

(a) PURPOSES.—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) FIRST INCREMENT.—The term ''First Increment'' means the first 13 years of the Program.

(C) GOVERNANCE COMMITTEE.—The term ''Governance Committee'' means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) INTEREST IN LAND OR WATER.—The term ''interest in land or water'' includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) PROGRAM.—The term ''Program'' means the Platte River Recovery Implementation Program established under the Agreement.

(F) PROJECT OR ACTIVITY.—The term ''project or activity'' means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) STATES.—The term ''States'' means the States of Nebraska, Wyoming, and Colorado.

(2) IMPLEMENTATION OF PROGRAM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection $157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted

for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the ''Secretary''), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the ''Project''), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

**SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the ''Secretary''), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the ''District)''; and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.

## TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

**SEC. 601. ENERGY TECHNOLOGY TRANSFER.**

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

**''SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.**

''(a) GRANTS.—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

''(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

''(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

''(A) about a variety of technologies; and

''(B) in a variety of geographic areas;

''(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

''(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

''(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

''(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

''(2) Carrying out demonstrations of advanced energy methods and technologies.

''(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

''(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

''(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

''(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

''(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

''(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

''(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

''(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

''(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

''(5) a description of how the applicant will assess the success of the program.

''(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

''(1) The ability of the applicant to carry out the proposed activities.

''(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

''(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

''(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

''(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

''(f) DURATION.—

''(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

''(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

''(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

''(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

''(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

''(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

''(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

''(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(B) 1890 Institutions (as defined in section 2 of that Act); and

''(C) 1994 Institutions (as defined in section 2 of that Act).

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.''.

**SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

**''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.''.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking ''coatings for sheet steels'' and inserting ''sheet and bar steels''; and

(2) by adding at the end the following new subparagraph:

''(K) The development of technologies which reduce greenhouse gas emissions.''.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting '', beginning with fiscal year 2008,'' after ''close of each fiscal year''.

## TITLE VII—NORTHERN MARIANA ISLANDS

### Subtitle A—Immigration, Security, and Labor

**SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.**

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this subtitle as the ''Commonwealth''), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

**SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.**

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241; 90 Stat. 263), is amended by adding at the end the following new section:

**''SEC. 6. IMMIGRATION AND TRANSITION.**

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

''(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

''(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

''(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

''(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

''(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

''(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

''(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

''(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

''(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

''(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and

Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

''(c) NONIMMIGRANT INVESTOR VISAS.—

''(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

''(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

''(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

''(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basisto zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

''(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

''(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

''(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

''(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

''(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

''(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

''(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

''(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

''(iv) the number of unemployed alien workers in the Commonwealth;

''(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

''(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

''(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

''(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

''(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

''(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

''(1) PROHIBITION ON REMOVAL.—

''(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

''(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

''(ii) that is 2 years after the transition program effective date.

''(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

''(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

''(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

''(B) that is 2 years after the transition program effective date.

''(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act

(8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

''(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

''(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

''(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

''(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

''(1) the number of aliens residing in the Commonwealth;

''(2) a description of the legal status (under Federal law) of such aliens;

''(3) the number of years each alien has been residing in the Commonwealth;

''(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

''(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.''.

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking ''Guam'' each place such term appears and inserting ''Guam or the Commonwealth of the Northern Mariana Islands''; and

(B) by striking ''fifteen'' and inserting ''45'';

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

''(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l).''; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

''(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

''(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

''(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

''(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

''(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

''(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

''(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

''(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

''(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

''(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

''(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

''(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

''(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.''.

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as ''CNMI'') may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''Guam,''.

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of

the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–241.—

(1) AMENDMENTS.—Public Law 94–241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking ''quarantine, passport, immigration and naturalization'' and inserting ''quarantine and passport''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors ''grandfathered'' under subsection (c) of section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Commonwealth's ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of ''Protection Consultant'' to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13–61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting ''or the Commonwealth of the Northern Mariana Islands'' after ''Guam'' each time such term appears;

(2) in section 101(a)(36), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(3) in section 101(a)(38), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(4) in section 208, by adding at the end the following:

''(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014.''; and

(5) in section 235(b)(1), by adding at the end the following:

''(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.''.

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

**SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.**

Public Law 94–241, as amended, is further amended in section 4(c)(3) by striking the colon after ''Marshall Islands'' and inserting the following: '', except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress''.

**SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

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

**SEC. 705. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

## Subtitle B—Northern Mariana Islands Delegate

**SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

**SEC. 712. ELECTION OF DELEGATE.**

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

**SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

**SEC. 714. DETERMINATION OF ELECTION PROCEDURE.**

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

**SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

**SEC. 716. LACK OF EFFECT ON COVENANT.**

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

**SEC. 717. DEFINITION.**

For purposes of this subtitle, the term ''Delegate'' means the Resident Representative referred to in section 711.

**SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

## TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

**SEC. 801. APPROVAL OF AGREEMENTS.**

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

**SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States

Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

**SEC. 803. CONFORMING AMENDMENT.**

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

**SEC. 804. CLARIFICATIONS REGARDING PALAU.**

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

**SEC. 805. AVAILABILITY OF LEGAL SERVICES.**

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

**SEC. 806. TECHNICAL AMENDMENTS.**

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting ''\, as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

**SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

**SEC. 808. PALAU ROAD MAINTENANCE.**

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

**SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.**

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

**SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

Mr. BINGAMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Madam President, I know the Senator from Washington, Mrs. MURRAY, is waiting to speak, and I will not take much time except to say Senator DOMENICI and I obviously had tremendously good help from our staffs. They worked long and hard to put this legislation together and get it into a form where it could be considered by the Senate.

We will seek time later this afternoon to elaborate as to the individual members of our staffs who participated and to thank them for their good work.

I will yield the floor and allow Senator MURRAY and Senator CANTWELL to speak as provided in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank my colleague from New Mexico for his tremendous work. I rise to thank all of my colleagues for supporting the public lands and natural resources package that was just passed by the Senate.

I, like many of my colleagues, have a vested interest in this bill. It contains my Wild Sky Wilderness Act which will designate over 100,000 acres as wilderness. This proposal is the result of almost 9 years of work by myself and Congressman LARSEN of my home State. It has the support of the vast majority of the communities around the area, as well as outdoor enthusiasts, area businesses, and literally thousands of Washington State residents.

Congressman LARSEN and I began working on Wild Sky back in 1999 because we were troubled by the rapid growth in Seattle and surrounding areas. We are so fortunate in our State to have unique and beautiful natural landscapes from the peaks of the Cascade Mountains, the northwest rain forest, the Olympic Peninsula to the mighty Columbia River. But many of our special lands could be jeopardized if we do not take action to preserve them now.

The Wild Sky Wilderness area will ensure that 106,000 acres of rolling hills, rushing rivers, and low-elevation forest in Washington State's Mount Baker-Snoqualmie National Forest are going to be preserved for generations to come.

I am immensely proud of this legislation. The Wild Sky Wilderness area is just 90 minutes away from downtown Seattle. It will give more than 2.4 million from Snohomish, King, and Skagit Counties easy access to hike and camp in a distinctive northwest landscape, it will preserve unique low elevation ecosystems, and it is going to give the surrounding towns a great economic boost by increasing the number of visitors.

I am especially proud because so many people in Washington State are so excited about this wilderness proposal. Newspapers have endorsed it in more than 50 editorials, and more than 200 newspaper articles, op-eds, and letters to the editor have raved about it.

This is the fourth time the Senate has considered this bill. Wild Sky in the past has passed the Senate unanimously three times because we saw the value of this wilderness proposal and recognized that this bill is something my State supports.

Last year, for the first time, Wild Sky passed the House, and now passing the Senate, we are so close to making this truly a reality.

With that in mind, I want to take a few minutes to share with my colleagues what they just did. I want them to see some of the benefits this bill offers my home State of Washington and why people in my State are so eager to create the Wild Sky Wilderness.

Since the days when Native people and early settlers harvested salmon and timber from our streams and forests, people who live in Washington State have recognized the importance of our natural heritage. We have a great tradition in my State of respecting and enjoying the natural beauty that surrounds us.

Washington State is home to tremendously natural resources, and we have a proud history of embracing our national parks and our forests. The Wild Sky area is already being enjoyed by many of our citizens who hike or hunt or raft or camp there. And since we proposed designating it as wilderness, literally thousands of people have written Congressman LARSEN and me to share their support. Many of those writers told personal stories about their experiences in the Wild Sky area.

Mike Town is a high school science teacher from Duvall, WA. He described introducing his students to a wild salmon spawning site near the Wild Sky Wilderness. Because that river's headwaters are in the proposed wilderness area, the water is still so pristine there that salmon are able to thrive, and today it is the one of the few places left in the Cascades where spawning salmon are still so numerous you could actually walk across the river on their backs.

Mike called that river one of the greatest spectacles in nature, and he said to me:

I cherish the belief that with federal protection for this area, my teenage students will have the ability to share the experience of spawning wild salmon with their grandchildren.

So the first reason we are so excited about Wild Sky is because it reflects the values of the people of Washington State.

But another reason this bill has so much support is because we worked hard to accommodate the needs of the users of this area. Very early on in the process, we reached out to all the local stakeholders to gauge their interest and ask if they had any concerns, and we were able to work with them and address many of the issues they raised.

We worked with Longview Fibre, a paper company that had some land in the proposed boundary. As a result, we were able to draw out certain areas and prioritize others that the company was willing to sell.

We heard from local and State snowmobile groups concerned that the boundaries of our original proposal would shut out important riding areas. So we took out a vast majority of those areas.

We ensured that float planes still have access to Lake Isabel.

We worked with the Forest Service and excluded heavily used areas around Barclay Lake and the only two areas where timber sales were being considered.

We made sure that Snohomish County and the Forest Service were comfortable with the emergency communication capability in and around the wilderness area.

And last winter, massive floods altered the path of the Skykomish River and displaced and destroyed parts of that road that provides access through our proposed wilderness area. So Congressman LARSEN and I got back together and brought together Snohomish County, the Forest Service, and local advocates to responsibly adjust the boundaries of this wilderness to make sure the road could be rebuilt and remain open for future use.

Thanks to all of this work, we have the support now of many of the locally elected officials and most of the surrounding towns and counties. Local conservation, hunting, and fishing groups back this bill. The Seaplane Pilots Association and many local businesses endorse it, and the Under Secretary of Natural Resources for the Forest Service, Mark Rey, said the President will sign this bill.

Even though many people in Washington State understand and appreciate the value of wilderness, this bill has a lot of support because we were also willing to work with the diverse groups of people who have an interest in how this land is used. This truly was a public process.

Although we, of course, could not meet every single need, we have made every effort to accommodate everyone who engaged in this process, and thanks to this effort, this bill is an example of wilderness done the right way.

I wish to talk about the benefits of Wild Sky because I am so excited about what it offers people who live in my State and those who visit. Several years ago, I took a trip through the area where the Wild Sky Wilderness would be. It is very hard to put into words how beautiful this stunning, amazing area is that is 90 minutes from downtown Seattle.

A significant part of this wilderness is seemingly endless expanses of meadows. Rolling mountains can be seen that are covered with stands of huge old moss-covered trees, and some of those trees are over 100 years old. From the ridges, you have incredible views of the western slopes of the Cascade Mountains.

This area is so unique. And one of the things that makes it unique is its relatively low elevation. About one-third of Wild Sky is below 3,000 feet. So the Wild Sky Wilderness area is going to bring new ecological systems into our wilderness lands that are underrepresented right now.

Wild Sky links our forests and meadows and steep craggy peaks, as you can see, and it is going to create a protected habitat corridor for all the wildlife living in this area. We have wolves and mountain goats, black and grizzly bears, and deer and trout.

Salmon spawning grounds teeming with fish—just like the one my town's science teacher showed his students—used to be very common, but today many of those species are struggling to survive. So at a time when we are asking private landowners to assist in recovering wild fish runs, I believe the Federal Government ought to do everything it can on its own land to help protect and restore that wildlife habitat.

Secondly, Madam President, the Wild Sky Wilderness is going to offer us great new recreational opportunities for people in a growing region. Wild Sky is unusually accessible because of its low elevation, and it is near an urban area. So families looking for a quick and easy access to nature are going to be able to enjoy this very pristine land. Climbers and hikers, hunters and anglers have already sent us letters and e-mails talking about the opportunities that Wild Sky offers.

Mark Heckert, who is a fish and wildlife biologist from Puyallup, wrote to me that he has taken his two sons to camp and hunt and fish in this area. He wrote me about how much he values the outdoors and said he hopes to secure the Wild Sky Wilderness for his children to enjoy. He said to me:

Wild landscapes like those provided in the Wild Sky provide the stage for a generational right of passage where young boys and girls can discover their connection to our land.

Creating this Wild Sky Wilderness is going to ensure that Mark and his sons can return to Wild Sky in the years to come.

Finally, Madam President, hikers, climbers, rafters, hunters, and anglers who visit us in the Puget Sound area—and I invite everyone who is listening to come and enjoy Wild Sky—will spend their money as they travel through this area. Recreational enthusiasts will see Wild Sky in the future listed on maps and guide books as a special destination, and those tourists will come and stay in our hotels and our campgrounds and eat in our restaurants and use local guides and outfitters.

In recent years, the outdoor recreation business appears to have stayed healthy, even during bad economic times, and Wild Sky is going to help contribute to that in the future. And, again, I invite all who are listening to come and enjoy this beautiful place that you saw get voted on here in the Senate this afternoon.

Madam President, those are just a few of the benefits of this Wild Sky Wilderness. We have done a lot of hard work on this bill in the last 8 years, and we couldn't have done it without the help of a lot of people. So let me take the last few minutes and thank all of the people across my State and here in the Senate who have worked so hard to get this bill done.

I thank Chairman BINGAMAN and his great staff, especially Bob Simon and David Brooks, for their help and their unwavering support of Wild Sky throughout all the years.

I thank Senator DOMENICI, who is leaving us this year to retire. Without him and his hard work on this bill, we wouldn't be here today.

I thank Senators CRAPO and MURKOWSKI for all they did over the past weeks and months to move this package forward. I couldn't have gotten here—we couldn't have gotten here—without their hard work.

I thank many of my staff members, especially Doug Clapp, who helped me originally develop this bill many years ago; Jaime Shimek, Evan Schatz, and Mike Spahn. I can't even begin to say all the names of my staff members who over the years have worked with us as we have developed this bill and gotten it over the finish line. I thank all of them.

I recognize the hard work and support of Congressman LARSEN and his staff, Senator CANTWELL and her staff. She is on the Senate floor this afternoon as well and serves on the committee. I could not have done it without her help and support. I know she has climbed into the Wild Sky and seen it as well as I have and is as excited as I am to be out there to see this completed.

I thank Under Secretary Mark Rey of the administration, who supported this bill for many years.

But above all, Madam President, I thank the people of my home State of Washington who have worked tirelessly to bring this idea from a proposal on a

piece of paper 9 years ago to legislation that was passed in the Senate this afternoon.

I am going to be back when the President signs this bill into law and thank a broader list of people who have been so essential, but as I finish this afternoon I want to note the work of Tom Uniack and Mike Town, and I thank them personally for all their work. They have been so willing to listen and to answer questions and to give tours of the Wild Sky country and have worked with us every step of the way.

Tom and Mike, thank you. All your hard work has paid off, and we now have passed in the Senate a very popular bill.

Wild Sky is going to help my State take a great step forward in protecting our environment. It is going to enhance our economy, it is going to improve our recreational opportunities, and I can tell you, people from my State are eager to get this bill through the House quickly and on to the President's desk to be signed.

We took a major step forward toward this goal today, and, again, I invite all of you who are listening to come to the State of Washington and visit Wild Sky.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I rise to speak a few minutes about the public lands bill we just voted out of the Senate with a pretty resounding majority of Members.

Within that public lands bill we just voted on is the only wilderness designation, the one my colleague from Washington just described—the Wild Sky Wilderness area. And I am here to not only congratulate her on this important legislation but to also speak because so much was said prior to the vote about why we would have such legislation on the Senate floor, and about the issue of Federal lands in individual States.

I think my colleague from Washington just articulated exactly why such an important piece of legislation is needed, the fact that it is the designation of a wilderness area that she has been trying to get ever since I have been in the Senate. In fact, she mentioned 9 years she has been working on that legislation. Since at least 2001, I have seen this legislation in various forms move through either the House or the Senate. I am sure her enthusiasm today is about the prospect of the Senate and the House, under Democratic control, actually getting this legislation passed.

But let me make a couple of points because my colleague, Senator MURRAY, brought up this issue, the specifics of Wild Sky's designation. It is a beautiful place. I have had the opportunity to hike there and to see the beauty firsthand. But people don't understand the designation of these Federal lands. I will say right now that I know how much Federal land is in Washington State. We have 12.2 million acres out of over 42 million acres. That is 29 percent of our State. I understand other States may not like that kind of designation, but for us in Washington State it has been part of our lifestyle and part of what we want to preserve.

In fact, Mount Rainier, one of our most visited special places, over 1 million people visit it on an annual basis. And a little company some people may have heard of, REI, based in Seattle, has outdoor recreational gear and does about $1 million worth of business annually. So there are people who very much believe in the outdoors.

I am sure the Presiding Officer knows very well that the beauty of special places is worth preserving, and it is a great boon to our economy.

Senator MURRAY did an unbelievable job in shepherding this legislation through the Senate and working with her colleague in the House, Congressman LARSEN, now for 7 years. There were many times in which she could have gotten detoured by various Members. Actually, this has passed three times in the Senate on the consent calendar but has been either delayed in the House or a Member held it up, and really held up an opportunity for many people to enjoy what our State has, in a very bipartisan way, been supporting.

In Washington State, many people are conservationists. Before they are Republicans or Democrats or Independents, they are conservationists first. Senator MURRAY has had to persevere with this legislation through various individual Members holding it up. So I say a special thanks to her. And I know if Scoop Jackson were alive, Scoop Jackson would be here to also congratulate her, as someone who did the original wilderness designation. She would be very honored to know that someone such as Scoop, in writing this original legislation, had the issues of Wild Sky very much in mind.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has spoken for 3 minutes.

Ms. CANTWELL. Madam President, I ask unanimous consent for an additional 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I want to also mention another piece of the underlying legislation because, again, some people have questioned, why do a public lands bill of this nature. Another piece of this legislation that I have worked on with my colleague, Congressman INSLEE of Bainbridge Island in our State, is to preserve an area known as the Eagledale Ferry Dock site on Bainbridge Island as a unit of the national monument designation under our national park system.

People may say, well, why designate this particular area? During World War II, over 120,000 Japanese Americans were forced into internment camps, and the first place from which they were forced to leave and to go to the internment camps was from this site on Bainbridge Island in Washington State. On March 30, 1942, 227 residents of Bainbridge Island were asked to report to this ferry dock site and were taken to internment camps in Minidoka, ID, and Tule Lake in northern California.

So this is what this lands bill is about. It is about protecting wilderness and making designations of sites that should be remembered. So I am very proud we got this bill off the floor, and I hope we will see immediate action by the House.

I thank the Chair.

## EXECUTIVE SESSION

### NOMINATIONS OF BRIAN STACY MILLER, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS; JAMES RANDAL HALL, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; JOHN A. MENDEZ, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; STANLEY THOMAS ANDERSON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE; AND CATHARINA HAYNES, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT OF TEXAS.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Brian Stacy Miller, of Arkansas, to be United States District Judge; James Randal Hall, of Georgia, to be United States District Judge; John A. Mendez, of California, to be United States District Judge; Stanley Thomas Anderson, of Tennessee, to be United States District Judge; and Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I am honored to recommend Brian Miller for confirmation as a Federal judge of the Eastern District of Arkansas.

Without hesitation, the Judiciary Committee confirmed Judge Miller on March 6. During the confirmation process, they learned what many Arkansans already know—Judge Miller has presided and will continue to preside with impartiality and integrity.

In my mind, Judge Miller has all the tools to be a great judge. I have reviewed his work and have been impressed with his record. His broad range of experience in civil and criminal matters, representing both sides of the law, is extraordinary. He exemplifies the proper credentials as well as

the temperament the people of Arkansas can be comfortable with.

I have heard validation from colleagues and acquaintances on the Arkansas bar and throughout the legal community. When Judge Miller's name began to circulate for this nomination, I only received praise from his colleagues. In fact, it is one of the few occasions when I did not hear a single person criticize his possible nomination.

While this body has seen more than its share of polarizing nominees, Judge Miller is the rare exception. He brought integrity and impartiality to the bench while serving on the Arkansas Court of Appeals and earlier as a city judge for both Holly Grove and Helena, AR. His work as the deputy prosecuting attorney for Philips County has also been praised.

Before practicing law in private practice for 9 years, Judge Miller earned his law degree from Vanderbilt University Law School. He graduated with honors from the University of Central Arkansas and Phillips Community College of the University of Arkansas. Even before serving on the bench, Mr. Miller was serving our Nation in the Navy and the Navy Reserve from 1985 to 1992.

Judge Miller has big shoes to fill following the service of the late George Howard, Jr. I am confident, however, these shoes will fit Judge Miller quite well.

Madam President, I also want to add my appreciation for the Judiciary Committee and Judiciary Committee staff on both sides because they worked very quickly on this nomination. What I said in my statement is absolutely true, and the more people are exposed to Brian Miller, the more impressed they are with him as a person and as a judge. He really does have a distinguished and exemplary record in Arkansas, but he also is a fine man. I think Judge Miller will be a great judge.

I mentioned George Howard, who was an outstanding judge in the Eastern District of Arkansas for a long time and really paved the way in a lot of ways for a lot of lawyers in our State.

Judge Miller will be in that same vein. If possible, he could even be better. He is a person who comes to this nomination with a lot of credentials and a lot of support from the legal community in Arkansas. As I said a minute ago, I don't think we have heard one person in our whole State who has come out against his nomination. He is that good. We are so pleased the President nominated him.

I also thank my colleague and friend on the House side, Congressman JOHN BOOZMAN, who was instrumental in pushing this nomination, getting it to the White House and pushing it through the White House, and getting it over here to the Senate. It truly has been a team effort.

Judge Miller is from Senator LINCOLN's hometown. She feels a special connection to him, as she should; her family and his family have been friends for a long time.

Certainly, I am very proud and honored to recommend him to my colleagues to sit on the Federal bench for the Eastern District of Arkansas.

Madam President, with that, I yield the floor and suggest the absence of a quorum, with the time being equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, while the distinguished Senator from Arkansas is on the floor, I think it appropriate to comment. I believe the nominee of whom he has spoken is well qualified for the position. Mr. Brian Stacy Miller graduated with honors from the University of Central Arkansas in 1992. He has a law degree from Vanderbilt, has a distinguished record in private practice, served as city attorney, was director of some very important organizations, and received a unanimous ''well qualified'' rating from the American Bar Association.

I will abbreviate my presentation at this time, but I believe the Senator from Arkansas and his colleague have brought us a good nominee, as is the Senator's custom.

I ask unanimous consent to have his resume printed in the RECORD.

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

BRIAN STACY MILLER

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

Birth: 1967, Pine Bluff, Arkansas.

Legal Residence: Arkansas.

Education: B.S., with honors, University of Central Arkansas, 1992. J.D., Vanderbilt Law School, 1995.

Primary Employment: Associate Attorney, Martin, Tate, Morrow & Marston, TN, 1995–2006. Solo Practitioner, Miller Law Firm, AR, 1998–2006. Deputy Prosecuting Attorney, Arkansas Prosecuting Attorney's Office, 2000–2006. Judge, Arkansas Court of Appeals, 2007–present.

Other Legal Employment: City Attorney, Helena, AR, 1999–2005. City Attorney, Edmondson, AR, 1999–2001. Deputy Prosecuting Attorney, Phillips County, AR, 2000–2006. City Attorney, Lake View, AR, 2000–2006.

Selected Activities: Director, Southern Bancorp, 2000–present. Director, KIPP Delta College Preparatory School, 2001–2002. Director, Southern Good Faith Fund, 2002–2006. Director, First Bank of the Delta, 2002–present. Arkansas Bar Association, House of Delegates, 2006–present. Law School Committee, 2007–present. Arkansas Supreme Court Committee on Criminal Practice, 2007–present. Memphis Bar Association Publications Committee, 2006. Director, Boys and Girls Club, 2007–present.

ABA Rating: Unanimous ''Well Qualified''.

Mr. SPECTER. I yield the floor, and I await the arrival of the distinguished chairman to proceed.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not.

Mr. ISAKSON. I thank the Chair. I will be brief because I know Members of the Senate are anxious to make their weekend plans, but I come to the floor to thank Senator SPECTER and Senator LEAHY for reporting out these judges today—in particular, for reporting out Randy Hall of Augusta, GA.

We were very pleased to recommend Randy to the President of the United States, very pleased the President decided to nominate him, and particularly pleased the Judiciary Committee is giving this Senate a chance to confirm a fine jurist to the bench in the Southern District of Georgia.

Prior to this nomination, Randy Hall served in the Georgia State Senate from District 22, which incorporates all of Augusta, GA, which is the No. 1 location on the map today with the Masters starting its first round. Randy is a distinguished attorney, with expertise in real estate, banking, corporate matters, and commercial litigation. He has a reputation for absolute integrity and character. He is a native of Augusta, which is important to many because this is the heart of the district.

He graduated from Augusta College in 1979 and from the University of Georgia College of Law in 1982. He serves on the Augusta-Richmond County Community Partnership for Children and Families and attends the Trinity on the Hill United Methodist Church.

Randy Hall is an outstanding Georgian, outstanding American, qualified jurist, and I commend him to the Members of the Senate for his confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. While the distinguished Senator from Georgia is on the floor, I compliment him for the selection of James Randal Hall for the U.S. District Court for the Southern District of Georgia. I have reviewed his academic record, which is excellent—a bachelor's degree from Augusta College, a J.D. from the University of Georgia School of Law. He has exceptional activities. In 2001, he received the Outstanding Family and Children's Advocate Award, and in 2004 he received the Outstanding Advocacy Award from the Community Mental Health Center of East Central Georgia. He has a substantial majority ''well qualified'' rating by the American Bar Association, and I think he has the potential to be an outstanding U.S. district judge for the Southern District of Georgia. I am pleased to endorse him and urge my colleagues to do the same.

I ask unanimous consent to have a fuller statement of his resume printed in the RECORD, and I yield the floor.

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

JAMES RANDALL HALL

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

Birth:1958, Augusta, Georgia.

Legal Residence: Georgia.

Education: B.A., Augusta College, 1979. No degree, Walter F. George School of Law/Mercer University, 1979–1980. J.D., University of Georgia School of Law, 1982.

Employment: Associate, Sanders, Mottola, Haugen & Goodson, 1982–1984. Partner, Avrett & Hall, 1984–1985. Corporate Vice President & Legal Counsel, Bankers First Corporation, 1985–1996. Partner, J. Randall Hall/Hall & Mullins, 1996–1999. Augusta Office Managing Partner, Hunter, Maclean, Exley & Dunn, 1999–2003. 22nd District State Senator, Georgia State Senate, 2003–2004. Partner, Warlick, Tritt, Stebbins & Hall, 2004–Present.

Selected Activities: 2001 Outstanding Family and Children's Advocate Award, Augusta Richmond County Community Partnership for Children and Families. 2004 Outstanding Advocacy Award, Community Mental Health Center of East Central Georgia. 2004 Legislative Advocacy Award, Superior Court Clerks Association of Georgia. Member and Past President, Augusta Coalition for Children & Youth/Augusta Partnership for Families, 1985–Present. Director, Georgia Carolina Bancshares, Inc./First Bank of Georgia, 1997–Present. Appointee, Governor's Task Force on Redistricting, 2006. Appointee, Augusta-Richmond Planning Commission, 1997–2002; Chairman, 2000–2002. Member, Leadership Augusta, 1985–1986. Member, American Corporate Counsel Association, 1993–1996. Member, Lions Club of Augusta, 1986–2003; President; District Cabinet Secretary. Member, Citizens Task Force on Cable Franchise Issues, 1994–1995.

ABA Rating: Substantial majority well-qualified/minority qualified.

Mr. ISAKSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I come to the floor today, as many of my other colleagues have, to support Judge Brian Miller, who has been nominated to be U.S. district judge for the Eastern District of our State of Arkansas. As the senior Senator from Arkansas, I am very pleased to support Mr. Miller for this very important post.

After reviewing his record and speaking with many of his friends and colleagues in Arkansas, I can assure my colleagues in the Senate that Brian Miller is not only a superb lawyer and a public servant, he is also a trusted friend who is held in high regard by so many in our great State.

Mr. Miller is a native of Helena, AR, which also happens to be my hometown. After high school, Brian Miller continued his education, graduating from the University of Central Arkansas in 1992. He continued his education by earning a law degree from Vanderbilt University, and one of the other great distinctions and certainly, I guess, pieces of pride I have about Mr. Miller is that Brian also had the distinction of serving as one of the first interns for my office in the House of Representatives in the summer of 1993.

Brian began his professional career up the Mississippi River, in Memphis, TN, at the firm of Martin Tate Morrow & Marston. In 1998, Brian ran a successful campaign to be the city attorney for our hometown of Helena. While he served as city attorney, his father also served as mayor. He continued to work part time with his firm in Memphis until January 2007, when he was selected by then-Governor Mike Huckabee to be a State appellate judge.

Throughout his career, Judge Miller has been no stranger to the courtroom. In addition to the positions mentioned above, he also was appointed deputy prosecuting attorney for Phillips County. In fact, between January 1999 and January 2006, Brian spent 3 days a week, every week, in the courtroom, either in his capacity as a prosecutor or on behalf of his clients. He has a reputation for being a tough but fair litigator, who is a respected prosecutor and a tireless advocate. He has received overwhelming support from the legal community all around our great State of Arkansas for his nomination.

When evaluating lifetime appointments to the Federal bench, I always carefully consider a nominee's skills, their experience, their intellect and ability to understand and ably to apply established precedent. Fundamentally, I am interested in knowing a nominee can fulfill this responsibility under the Constitution to apply the law fairly, without political favor or bias. I am absolutely satisfied Brian has met that standard.

I would be remiss, however, if I didn't also recognize Judge George Howard, Jr., who served on the bench for nearly 27 years. This is the seat Judge Miller will be taking. Judge Howard was a true pioneer. His many contributions to civil rights and to the legal community made a lasting impact on Arkansas and our Nation. I was proud to introduce legislation with Senator PRYOR last year that honored Judge Howard's legacy by naming the Federal building and the courthouse in Pine Bluffs, AR, as the ''George Howard, Jr. Federal Building and Courthouse.'' Judge Miller certainly knows that, following Judge Howard, he certainly does have big shoes to fill, but I am confident he will serve Arkansas and this Nation with distinction for years to come.

In closing, I thank the majority leader and the Republican leader, also Chairman LEAHY and Senator SPECTER and the entire Senate Judiciary Committee for working with Judge Miller, for working with my staff and with me to move this nomination forward. We have a great opportunity in Judge Miller. He is, as I said, a tremendous judicial nominee, but he is also a great citizen. And not coming from the legal world, as many of my colleagues do, this is an occasion where I actually happen to know someone personally for one of these judicial nominations in whom I have great confidence. I have a feeling of overwhelming pride that this young man, who not only interned in my House office but grew up in the same hometown I did, could come before the Senate and be nominated and confirmed.

I thank all the staff, as I said, of the Judiciary Committee, and the majority leader, Chairman LEAHY, and Senator SPECTER. I have full faith and confidence in Mr. Miller's ability. I do encourage Members of this body to support this confirmation.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I see the Senator from Pennsylvania. I would like to ask, through the Chair, if it would be appropriate to make a few remarks about the judicial nominee from Tennessee.

Mr. SPECTER. May I inquire how much time the Senator from Tennessee would like? We are limited to no more than an hour.

Mr. ALEXANDER. Five minutes.

Mr. SPECTER. Take whatever time you need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I rise to thank and congratulate President Bush and to thank Chairman LEAHY and Senator SPECTER for bringing to the Senate floor the nomination of Tom Anderson to be a U.S. district judge for the Western District of Tennessee.

I would offer three reasons why Judge Anderson's nomination to serve as a U.S. district judge for the Western District of Tennessee is an especially worthy one and one that I hope today will receive approval by the entire Senate.

First, Tom Anderson is already a judge. In 2003, the Federal district judges of the Western District of Tennessee selected Tom Anderson unanimously as a U.S. magistrate judge following a merit process that included more than three dozen applicants.

I see the chairman of the Judiciary Committee has arrived. I would say to Senator LEAHY, I am in the midst of about a 3- or 4-minute talk about the judicial nominee from Tennessee.

Mr. LEAHY. Go right ahead.

Mr. ALEXANDER. As I said before he came, I greatly appreciate the fact that Chairman LEAHY and Senator SPECTER held a hearing, which included Tom Anderson, and that the Judiciary Committee sent his nomination to the full Senate with a favorable recommendation.

As I was saying, the first reason to support him is that he is already a judge. In 2003, the Federal district

judges of western Tennessee selected Tom Anderson unanimously as a U.S. magistrate judge following a merit process that included more than three dozen applicants.

Second, Tom Anderson has been first chair on more than 200 cases tried in Federal court and has earned extraordinary respect from lawyers and judges in Tennessee. For example, Senior District Judge Tom Higgins drove more than 100 miles from Nashville to Tom Anderson's investiture ceremony as a magistrate judge in Jackson in 2003 to commend Anderson's practice as an attorney.

Judge Higgins' unsolicited appearance for Judge Anderson was considered by all those in attendance as a great compliment to Tom Anderson's professionalism. I know Judge Higgins very well, as do other members of the bar in Tennessee. If he had thought Tom Anderson would have been a bad judge and had been a less than professional lawyer, Judge Higgins would have driven 200 miles from Nashville to make a speech in the other direction. So it was an enormous compliment to Tom Anderson that Judge Higgins would have driven to Jackson and made such a speech.

So impressed was I with that speech of Judge Higgins that I am submitting a transcript of Judge Higgins' remarks from that ceremony on January 16, 2004. I ask unanimous consent that it be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Prior to serving on the bench, Tom Anderson spent nearly 20 years in private practice. In addition to his extensive litigation experience, he also served as an administrative law judge for the Tennessee Claims Commission and as an assistant commissioner for the Tennessee Department of Transportation.

Finally, although Judge Anderson has been nominated by a Republican President, he has strong support also from Tennessee Democrats. A number of west Tennessee Democrats wrote to the Judiciary Committee to urge confirmation of Judge Anderson, including State Senator Roy Herron; Charles Farmer, the former mayor of Jackson; James Strickland, Jr., the former chairman of the Memphis/Shelby County Democratic Party; Tommy Green, the chairman of the Tennessee Municipal League; and Mike McWherter, a prominent local businessman and son of former Democratic Governor Ned McWherter.

It is worth noting that Mike McWherter, who lives in Jackson, also had formed an exploratory committee to challenge me in this year's race in the Senate before deciding to spend more time with his family. So Judge Anderson's nomination is one issue that would have united both parties' candidates on the campaign trail if Mike McWherter had decided to be a candidate for the Senate.

This deep reservoir of good will for Judge Anderson in Tennessee reflects the fact that he is experienced, fair-minded, and well respected. He is also a husband and father of three who has been active in the community, including having served as a board member of the Methodist Hospital in Lexington and the Carl Perkins Child Abuse Center in Jackson, as well as helping to establish the Beech River Branch of the YMCA in Lexington and serving as its first chairman of the board.

Again, I congratulate the President, and I thank Chairman LEAHY and Senator SPECTER and the full Judiciary Committee for reporting this nomination to the floor and setting it for a vote this afternoon.

I hope the entire Senate will agree with their judgment and confirm him before Chief Judge James Todd, who has served with distinction in this position, takes senior status.

EXHIBIT 1

REMARKS OF SENIOR JUDGE THOMAS A. HIGGINS

EXCERPTED FROM TRANSCRIPT OF INVESTITURE OF J. THOMAS ANDERSON AS U.S. MAGISTRATE JUDGE WESTERN DISTRICT OF TENNESSEE

(January 16, 2004)

JUDGE TODD: Thank you, Judge Pham.

The court now recognizes a special guest. This is Judge Thomas A. Higgins. He is a senior judge in the Middle District of Tennessee in Nashville. He didn't wear his black dress today, but I can assure you that Judge Higgins is, in fact, a judge. He has helped us in West Tennessee with some of our cases, and we consider him to be an honorary West Tennesseean.

Judge Higgins.

JUDGE HIGGINS: May it please the court and ladies and gentlemen, two years ago, as Judge Todd alluded to, I was designated and assigned by the Chief Judge of the United States Court of Appeals for the Sixth Circuit to sit in the Western District of Tennessee while this court was awaiting the appointment and confirmation of a full complement of judges to the court, and I tried cases in Memphis and here in Jackson. In fact, I held court in the courtroom that is to be assigned to Judge Anderson.

During the luncheon recesses during a lengthy trial, a jury trial that I presided over here in Jackson, I would take a tour of downtown Jackson, and I made an important discovery. I learned that the gold standard for public speaking was established here in Jackson in 1831. On the north side of the Madison County Courthouse there's a marker that commemorates the fact that Davy Crockett was defeated for reelection to the Congress. He addressed the voters of Jackson and West Tennessee and told them, and I quote, ''You can go to hell. I'm going to Texas.'' Now, that's the gold-plated standard for making public remarks.

And in that vein, I want to share with you what I wrote to Judge Todd on July the 17th when I learned that Mr. Anderson was being considered for the position of United States Magistrate Judge for the Western District of Tennessee. And I quote, ''This is good news for you, the chief judge, and the judges of the United States District Court for the Western District of Tennessee and for the litigants and public at large, I know Mr. Anderson well. He is an experienced and superb lawyer and a perfect gentleman. As an advocate, he represents his clients ably and with great zeal. As an officer of the court, he is punctual in every respect. When he says something is so, it is so. If he is not familiar with the case, he will make that clear to the court and not try to bluff his way through. In sum, he is the kind of a lawyer that any judge is comfortable having around him and in the courtroom.''

Now, what is the basis upon which those assertions were made? The basis is this. For a period of over ten years, I have watched Mr. Anderson's work as a lawyer in the courtroom first-hand. He has tried more jury cases before me than any other single judge.

Now, why is that, a West Tennessee lawyer? Well, he was employed by a client that would send him to close and distant places. I handle all the cases in the Columbia division of the Middle District of Tennessee, and I go to Columbia every other month to hold court on the trailer docket.

Mr. Anderson has selected as many as three juries on the same day and tried three jury cases back-to-back with three sets of clients out in the hall and three sets of witnesses. We would select one jury. I would instruct the jury and tell the jury when to come back, the following week, two or three days. We would select the second jury, and I would instruct that jury and then tell them to come back Monday or Tuesday of the following week. And we'd select a third jury and then on the selection of that third jury, we would start immediately to the trial of that case.

Now, he's a real lawyer. And he's got enormous energy and willingness to work, and I don't' believe that the court could have selected a finer lawyer with more experience. And I told Judge todd in this same letter that ''I am convinced that his appointment as a magistrate judge will be received with the highest praise by his colleagues in the Western District of Tennessee.'' And I'm satisfied that that will prove to be the case.

Now, following the rule that Davy Crockett established, I only have this to day, Judge Todd. I congratulate the judges of the Western district of Tennessee in selecting Mr. Anderson. I congratulate Mr. Anderson upon his appointment. And I believe the expectations of the court will be fully fulfilled.

I have two other observations to make. One, there is a section in Title 28, United States Code, that makes it a high misdemeanor for any justice or judge of the United States to engage in the practice of law. I suggest to you that you ought not to touch that case topside or bottom. It's the only offense under federal law that is characterized as a high misdemeanor. And it's obvious that the Congress intended to make it an impeachable offense for a justice or judge to engage in the practice of law.

And the last observation is to enjoy today. Take in all the applause. Soak it up and enjoy the day. There's a lot of misery ahead of you. There are going to be a lot of restless nights, and there won't be another day like this until your portrait is presented. So make the best of the day.

Thank you, Judge.

JUDGE TODD: Thank you, Judge Higgins.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to thank my good friend, the Senator from Tennessee. As the Senator knows, he came to chat with me about this nominee. I was not aware of him. But as soon as he did, I pulled the file, looked at him, and I think we put him on for a hearing very shortly thereafter.

I thank the Senator from Tennessee. I have respected his opinion and his

views for years, whether he was in the Cabinet or here, and was happy to in this case. I also wish to thank him for the kind words he said about me, as well as those of Senator ISAKSON and Senator LINCOLN and Senator PRYOR.

Mr. President, I have a longer statement to make, but I understand the distinguished Republican leader wishes to speak.

I ask unanimous consent that I yield to the distinguished leader without losing my right to the floor, if that is agreeable to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POST-PETRAEUS WRAP UP

Mr. MCCONNELL. Mr. President, Americans were vividly reminded this week that, as our Nation struggles to help Iraq on its way to becoming a stable country that can defend itself and be an ally in the war on terror, we are fortunate to have men like Ambassador Ryan Crocker and Gen. David Petraeus representing us in Baghdad. Their commitment, determination, and skill in seeing America's interests promoted and preserved remind us that public service is a high calling, and that good men and women are still answering that call in heroic ways.

Ambassador Crocker and General Petraeus outlined to the Congress and the country the complex challenges they confront every day in advancing our strategic interests in the Persian Gulf. Their patience and professionalism in doing so was commendable. And it was an important reminder to all of us that the men and women serving in Iraq are well led.

We were reminded this week that less than a year after the counterinsurgency plan went into full effect, the security situation in Iraq has improved dramatically. Overall violence is down. Civilian deaths are down. Sectarian killing is down. Attacks on American forces are dramatically down. And, as a result of all this, General Petraeus was recently able to recommend to the President that our forces be drawn down to the pre-surge level of 15 brigade combat teams by July of this year.

None of us should underestimate the complexity of managing this drawdown. The logistical challenges involved in transporting soldiers and equipment safely and in large numbers are immense, as are the operational challenges involved in repositioning the remaining force in a way that keeps pressure on al-Qaeida in Iraq while continuing to protect the Iraqi people. But neither should we underestimate the impact the surge has had in delivering security gains, allowing for a responsible drawdown of thousands of U.S. servicemembers, and in allowing for the transition of our mission in Iraq, a transition that has already begun.

As part of this ongoing transition, the President announced earlier today that he has accepted General Petraeus's recommendation to allow for a 45–day period of evaluation and consolidation once the drawdown of surge brigades is complete.

Encouragingly, the President also announced that Admiral Mullen and Secretary Gates will now be able to reduce the tour lengths of soldiers deploying to Iraq from 15–month to 12–month periods. This change in policy will increase the amount of time our soldiers and marines are able to spend at home between deployments, a welcome and richly deserved acknowledgment of the service and sacrifice of the greatest fighting force on Earth.

As U.S. soldiers and marines return home, they can be proud of the work they have done these last months. In addition to a decrease in violence, U.S. forces have paved the way for a corresponding increase in the size and the scope of the Iraqi Security Forces.

This so-called ''surge'' of Iraqi Security Forces is three to four times larger than our own: the Iraqi Army has ballooned by more than 100,000 over the last year alone, and its ranks continue to expand. And local volunteer forces, the so-called ''Sons of Iraq,'' have swelled to nearly 100,000, a key factor in improved security at the provincial level. Their integration into the Iraq Security Forces is an important next step.

Young Iraqis are signing up to join local police forces, to protect the Iraqi border against incoming foreign fighters, and for special operations that will allow the Iraqis to track and kill high value terrorist targets on their own.

These are all encouraging signs. And we are also encouraged by the political progress in Iraq. Though significant political benchmarks remain unmet, progress on other significant benchmarks that seemed far off just a few months ago is underway.

The Iraqi Government is also beginning to show a new and welcome willingness to shoulder more of the financial burden for their own security and development. Iraq has committed, for instance, to gradually assume the salaries of the Sons of Iraq. And the Iraq C–130 planes that were used to shuttle forces and supplies to Basra over the last 2 weeks were built, of course, right here in America.

Overall, Iraq now covers three-fourths of the cost of its security forces. And we can now realistically expect the Iraqis at some point to assume the full cost of their own security.

On the development side, the Iraqis are also on a path to self-sufficiency. As of last month, Iraq had purchased more than $2 billion of goods and services from the U.S. The most recent Iraqi reconstruction budget vastly outspends the United States. And slowly but surely, Iraq is approaching total financial control over large reconstruction projects.

As the Iraqis take over more of their own needs, Congress can help accelerate their path to independence by passing a supplemental appropriations bill that has been on request now for more than a year.

Our friends on the other side are rightly concerned about military readiness. I share their concern. But the best way to ensure the military's readiness is not to scrap a plan that has been working in Iraq. The best way to ensure readiness is for Congress to quickly approve the Defense supplemental, without arbitrary withdrawal dates, and without nonsecurity spending. We also need to pass the regular DOD appropriations bill.

General Petraeus and Ambassador Crocker reminded us this week that progress in Iraq is fragile and reversible, that much hard work lies ahead. We are encouraged by the advances they detailed, but we are also sobered by the continuing short- and long-term challenges to our interests in the Persian Gulf. We can't lose sight of the need to meet these challenges.

We need to help Iraq defend itself against Iranian-backed special groups as part of a broader effort to check Iran's apparent desire to dominate the gulf. And, in the best traditions of U.S. foreign policy, we must continue to deal with the sad effects that decades of neglect by Saddam Hussein have visited on the Iraqi people.

General Petraeus and Ambassador Crocker were clear about the challenges we face. But they outlined a plan for continued progress that is backed up by their achievements so far. They, and the Americans they are fortunate to lead in Iraq, have brought us a good distance from where we were just 1 year ago. And this week they charted a realistic course moving forward. Now it is time for the Senate to demonstrate the same commitment and professionalism as these two men, by giving our forces in the field what they need.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of Judge John A. Mendez to the U.S. District Court for the Eastern District of California.

Let me begin by explaining the urgency of filling this judgeship. Simply stated, the Eastern District of California is in a crisis. In 2005 and 2006, the district had the highest number of case filings in the Nation. In 2007, the district ranked second out of all 94 Federal judicial districts in the number of new cases filed.

Regrettably, the bench in the Eastern District has been understaffed throughout this period of heavy case filings. A temporary judgeship in the district expired in 2004 because the Congress failed to extend it. As a result, average caseloads in the Eastern District increased by 18 percent from 2004 through 2006, even as average caseloads nationwide declined.

In this Congress, I am pleased to be a cosponsor of S. 1327, which would recreate the temporary judgeship in the Eastern District. The bill has already

passed the Senate and is currently pending in the House. I am also a cosponsor of S. 2774, which would create new judgeships to meet the needs of California and other States throughout the Nation.

In addition to creating new judgeships, we clearly need to fill the judgeships that already exist in the Eastern District. Judge John Mendez is the nominee for a seat that was vacated in June 2007.

Judge Mendez is a native Californian and is currently a judge on the Sacramento County Superior Court. He was born in Oakland and graduated with distinction from Stanford University, with a degree in political science. He went on to earn a law degree at Harvard Law School.

After law school he returned to California and worked in private practice in San Francisco from 1980 to 1984. From February 1984 through July 1986, Judge Mendez served as an assistant U.S. attorney in San Jose. He was assigned to the Criminal Division in the U.S. Attorney's Office and became a specialist in criminal law and procedure.

In 1986, Judge Mendez moved to Sacramento and returned to private practice. He focused on civil litigation and business litigation and rose to become a partner at the law firm of Downey, Brand, Seymour & Rowher.

Judge Mendez was appointed as U.S. attorney in San Francisco in 1992, the final year of George H.W. Bush's Presidency. He served as U.S. attorney for 1 year and was personally involved in major civil litigation and a criminal appeal in the Ninth Circuit Court of Appeals.

After leaving the U.S. Attorney's Office, Judge Mendez was of counsel to the law firm Brobeck, Phleger & Harrison in San Francisco from 1993 to 1995. In the summer of 1995 he returned to Sacramento and joined the firm of Somach, Simmons & Dunn as a shareholder. His practice included complex commercial and environmental litigation and white-collar criminal defense work, as well as counseling clients on regulatory compliance.

Gov. Gray Davis recognized his potential as a judge in 2001 and appointed him to the Sacramento County Superior Court. Judge Mendez was elected to retain that position in 2002 and continues to serve as a superior court judge today.

In addition to his service to the State of California, Judge Mendez has served the legal profession through leadership positions in the Hispanic National Bar Association and the Sacramento Chapter of the Federal Bar Association.

In California we have developed a bipartisan process for selecting Federal district court nominees. Under this system a committee of lawyers known as the Parsky Commission, which includes Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to report that Judge Mendez was recommended unanimously by the Parsky Commission to be nominated as a Federal district judge. By all accounts, he would make an excellent addition to the Federal bench in Sacramento.

I urge all of my colleagues to vote in favor of Judge Mendez.

Mr. COCHRAN. Mr. President, it is my pleasure to support the nomination of Judge Catharina Haynes to the United States Court of Appeals for the Fifth Circuit. She is a very well-qualified and capable nominee to serve on the Fifth Circuit Court of Appeals which hears appeals from the Federal District Courts of Louisiana, Mississippi, and Texas.

Judge Haynes has extraordinary academic credentials. She graduated first in her class with a degree in psychology from the Florida Institute of Technology at age 19, and she then finished second in her class at Emory University School of Law at age 22. While in law school, she also served on the Emory Law Journal.

Since graduating from law school, Judge Haynes has compiled a distinguished record in private practice and as a State court judge.

In 1998, Judge Haynes was elected to be a district court judge in Dallas, TX. Four years later, she was reelected to that same position. While she was running for reelection, the Dallas Morning News endorsed her and said of her: ''(She) has energy, intelligence and a strong commitment to the law.'' They further added, ''She runs a fair, efficient court.''

While working as a trial court judge, Judge Haynes presided over 190 jury trials and approximately 100 bench trials. She was able to dispose of over 7,000 cases related to a full range of civil topics including complex commercial disputes, commercial litigation, insurance issues, personal injury, intellectual property matters, and employment disputes.

Having recently concluded her time as a Dallas District Court Judge, Judge Haynes returned to private practice at the well-regarded national law firm of Baker Botts, LLP, where she is a partner working in the litigation department.

While in private practice Judge Haynes has handled a wide range of complicated cases in before both State and Federal court. She has also argued cases before the Fifth Circuit Court of Appeals, the court to which she is nominated.

Judge Haynes has been heavily involved with the local bar associations and has volunteered extensively in the community.

Judge Haynes has received numerous awards and professional honors, including the 2006 State Bar of Texas Presidential Commendation, 2006 Florida Tech Alumni Association Outstanding Achievement Award, 2004 Dallas Women Lawyers Association Louise B. Raggio Award, 2003 Dallas Women Lawyers Association Outstanding Board Member Award, and 1996 and 2002 Dallas Bar Association Jo Anna Moreland Outstanding Committee Chair Award.

Her commitment to public service will serve her well on the Fifth Circuit and will reflect credit on the Federal judiciary.

Mr. President, I am pleased the nomination of Catharina Haynes to the United States Court of Appeals for the Fifth Circuit is being confirmed today by the Senate.

Mr. CARDIN. Mr. President, I rise in opposition to the nomination of Catharina Haynes to be a U.S. circuit judge for the Court of Appeals for the Fifth Circuit.

As a member of the Judiciary Committee, I have carefully reviewed Judge Haynes's confirmation hearing record. I asked Judge Haynes several questions in writing after her confirmation hearing in February. I voted against her nomination in the committee last week, and I want to explain to my colleagues my reasons for voting against her today.

Let me begin by saying that I do admire Judge Haynes's commitment to public service. She was elected to the bench in 1999 as a judge, 191st Judicial District Court, in Dallas County, TX. She was reelected to the bench in 2002 and lost her reelection bid in 2006. She now serves as a partner at Baker, Botts in Dallas, TX.

However, no one is entitled to a circuit court judgeship. In the vast majority of cases, these courts are the final law of the land for the States in their circuit when it comes to interpreting complex Federal statutes and our Constitution. These judges have lifetime appointments and are second only to Supreme Court Justices in terms of their power and authority.

In reviewing her background, experience, confirmation hearing record, and her written responses to additional questions I posed to her, I am not convinced that Judge Haynes is qualified for this position.

I start with the starkest fact about Judge Haynes's record: By her own admission, Judge Haynes has never written a single judicial opinion. In response to the Judiciary Committee questionnaire asking for her opinions as a judge, she stated that she had none. She wrote that ''[a]s a state district judge in Texas, I wrote orders (a few with explanations), jury charges and findings of fact/conclusions of law, but I did not write 'published opinions' or 'unpublished opinions'.''

A nominee for circuit court judge should have experience in writing substantive judicial opinions. Judge Haynes does not have this requisite experience.

Judge Haynes, by her own admission, has very little experience with criminal cases. According to her response to our committee questionnaire, she stated that her percentage of practice in civil proceedings was 100 percent, and the percentage of her practice in criminal proceedings was 0 percent. She also responded that as a judge in Dallas

County, TX, she heard civil cases, and her docket included almost exclusively civil cases.

A nominee for circuit court judge should have broad experience in both criminal and civil cases. Her lack of any meaningful criminal law experience does not give me confidence that she has a sufficient understanding of the criminal justice system and the rights of defendants.

Judge Haynes, by her own admission, did not write opinions. Rather, she wrote orders. Given that circuit court judges are often the final say on the law of the land in a given circuit—due to the low rate of granting certiorari by the Supreme Court—a circuit court judge has an unusual amount of authority and decisionmaking power.

We do not have any meaningful track record on which to judge Judge Haynes's views on substantive legal issues such as civil rights, civil liberties, worker's rights, reproductive freedom, environmental protection, consumers' rights, employees' rights, or separation of powers.

Judge Haynes does not meet my test for Federal judicial nominees since she does not have the requisite experience for a Federal appellate judge.

Finally, I want to talk about diversity. The U.S. Court of Appeals for the Fifth Circuit, which includes Mississippi, Louisiana, and Texas, presides over the largest percentage of minority residents, 44 percent—which includes African-American and Latino citizens—of any of the regional circuit courts of appeal in the country outside of Washington, DC. Mississippi has the highest African-American population—36 percent—of any State in the country. Louisiana has the second largest African-American population—32 percent—of any State in the country. It is disappointing that none of President Bush's nominations to the Federal bench in this circuit were African Americans. Only one of the Federal judges that now sits on the Fifth Circuit is African American.

As Chairman LEAHY stated at Judge Haynes's confirmation hearing, it was the Fifth Circuit judges who took a lead role in tearing down Jim Crow society in the South and in implementing the Supreme Court's decision in Brown v. Board of Education in 1954. Indeed, the best known of these judges were four judges called the ''Fifth Circuit Four'' or simply ''The Four'' by opponents of civil rights, in a reference to the Four Horsemen of the Apocalypse. Burke Marshall, the Assistant Attorney General for the Civil Rights Division under President Kennedy, told The Nation in a 2004 interview that ''those four [Fifth Circuit] judges, I think, have made as much of an imprint on American society and American law as any four judges below the Supreme Court have every done on any court . . . If it hadn't been for judges like that on the Fifth Circuit, I think Brown would have failed in the end.'' The Brown decision and its progeny paved the way for equality in transportation, employment, and so many other areas in the South. The Fifth Circuit decisions on civil rights issues in the 1950s and 1960s affirmed by the Supreme Court helped to lay the groundwork for Congress to enact national legislation to prohibit discrimination throughout the United States, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Mr. President, I recall the history of the Fifth Circuit because I want to impress upon my colleagues the importance of this circuit in the history of the country and the importance of this circuit today. We are still struggling today to guarantee civil rights to Americans today regardless of race. Too many Americans are still disenfranchised and unable to vote due to deceptive campaign practices targeted at scaring away minority voters. Too many Americans still face employment discrimination or unequal pay. Too many Americans are still treated differently because of the color of their skin.

These judges serve for lifetime appointments and will decide some of the most fundamental legal and constitutional questions for the Fifth Circuit residents in Mississippi, Louisiana, and Texas. I am not convinced that Judge Haynes has either the experience or the proven track record on protecting civil rights and equal rights under the law for this position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. There is 1 hour 43 minutes.

Mr. LEAHY. How much time remains on the other side?

The PRESIDING OFFICER. There is 99 minutes 53 seconds.

Mr. LEAHY. That is close enough; almost 100.

Mr. President, today the Senate turns to the consideration of another nomination for a lifetime appointment to the Federal bench—Brian Stacy Miller for the Eastern District of Arkansas. Judge Miller currently serves as a State appellate judge on the Arkansas Court of Appeals. He previously served as city judge in Holly Grove, AR, was a deputy prosecuting attorney for Phillips County, AR, and worked for several years in private practice.

With this nomination, we continue our work toward building a more representative Federal judiciary. I am pleased that, when confirmed, Judge Miller will be the 88th African-American currently serving on our Federal bench and the 74th African-American serving as a district court judge.

I thank Senators PRYOR and LINCOLN for their consideration of this nominee, and I thank Senator FEINSTEIN for chairing the hearing on this nomination. I congratulate the nominee and his family on his confirmation today.

Today the Senate also considers another nomination for a lifetime appointment to the Federal bench—Stanley Thomas Anderson for the Western District of Tennessee. Judge Anderson is currently a magistrate judge for the Western District of Tennessee. He previously worked in private practice as the founder and owner of Anderson Law Firm in Jackson, TN.

He served as a claims commissioner for the State of Tennessee Department of Treasury and as assistant commissioner for the Tennessee Department of Transportation. I acknowledge the support of Senators CORKER and ALEXANDER for this nomination. I congratulate the nominee and his family on his confirmation today.

Another nomination for a lifetime appointment to the Federal bench is that of James Randal Hall for the Southern District of Georgia. Mr. Hall is currently a partner at the Augusta, GA, law firm of Warlick, Tritt, Stebbins & Hall.

He previously worked as corporate vice president and legal counsel for Bankers First Corporation and worked in private practice for several other Georgia law firms. Mr. Hall held the distinction of serving the people of the 22nd District of Georgia as a State senator.

I acknowledge the support of Senators CHAMBLISS and ISAKSON and thank Senator FEINSTEIN for chairing the hearing on this nomination. I congratulate the nominee and his family on his confirmation today.

Then we turn to the consideration of yet another nomination for a lifetime appointment to the Federal bench—the nomination of John A. Mendez for the Eastern District of California. Judge Mendez currently serves as a judge on the Sacramento County Superior Court. He previously served as the U.S. attorney for the Northern District of California and worked in private practice.

With this nomination, we continue our work toward building a more representative Federal judiciary. I am pleased that, when confirmed, Judge Mendez will be the 58th Hispanic judge currently serving on our Federal bench and would become the only currently active Hispanic judge in the Eastern District of California.

I thank Senators FEINSTEIN and BOXER for their support of this nomination. I congratulate the nominee and his family on his confirmation today.

Mr. President, the Senate makes significant progress today by confirming yet another appointment to one of our important Federal circuit courts as well as four lifetime appointments of Federal district court nominations. The circuit court nomination we are considering is that of Judge Catharina Haynes of Texas. Her confirmation will fill the very last vacancy on the important court of appeals for the Fifth Circuit, but it is also a vacancy that has been listed as a judicial emergency.

I acknowledge the support of Senator CORNYN and his work with me to schedule her nomination. Senator CORNYN had the time to sit down and explain why she was important and brought her to my attention and helped me report it from the Judiciary Committee last week. I imagine Judge Haynes' first phone call if confirmed this afternoon, as I expect, will be to Senator CORNYN to say thank you.

Despite the progress we continue to make and will make today, some of the rhetoric from the other side of the aisle suggests that judicial confirmations is the most pressing and unsatisfied need facing our country. Now with an economic recession facing Americans, many would say already here, the massive job losses this year, and the home mortgage foreclosures and credit, any partisan effort to create an issue over judicial confirmations is greatly misplaced, and the American people can see through that facade.

The recent job loss reports from the Department of Labor are dramatic. In the first 3 months of this year the U.S. economy lost 232,000 jobs. March marked the greatest loss of jobs during 1 month in at least 5 years. Instead of adding the 100,000 new jobs we would need each month to prevent unemployment from rising further, we have experienced 3 months in a row of significant job losses. This year alone we are already half a million jobs behind where we need to be just to stay even and not lose economic ground.

Yet last week when I convened the Judiciary Committee to make progress on bills to help homeowners in bankruptcy and to improve the False Claims Act to better target fraud, the priority of the Republicans was none of these important legislative issues. Instead, they engaged in a back and forth on judicial nominations. This administration is apparently more worried about the jobs of a small handful of controversial nominees—many, incidentally, who are not supported by their home State Senators—than they are about the jobs and lives of hundreds of thousands of Americans. With that massive loss of jobs, the Nation's unemployment rate has risen dramatically to over 5.1 percent.

Let's take a look at where we are now. This is what has happened in this Presidency. Unemployment has gone up more than 21 percent during this Presidency. The price of gas has gone up more than 132 percent during the Bush Presidency. The number of uninsured has gone up 11 percent during the Bush Presidency. The budget deficit has increased $590 billion, going from a quarter of a trillion dollar surplus to a $354 billion deficit. The trade deficit has gone up 87 percent. All these things have gone up during the Bush Presidency. Meanwhile, judicial vacancies have gone down 46 percent, from 9.9 percent to 5.3 percent. And a lot of that, a significant part of that, happened during a time when Democrats were in charge.

Just think about that. Now it costs more than a billion dollars a day to pay down the interest on the national debt and the massive cost of the disastrous war in Iraq. Think about that, if you hear in your State you have a bridge that is somewhat dangerous but they can't afford to fix it. Think about that in your State, when you are told that Federal dollars to help law enforcement protect Americans from crime is no longer there because we have to send the money to the Iraqi police force, a police force that cannot account for thousands of the weapons that we gave them until some of them end up shooting at Americans. But somehow that money has to go to fix up Iraq, and we do not have it to fix up America. It has to go to Iraq while we are paying almost $4 a gallon for gasoline, and Iraq has a huge budget surplus from $100-a-barrel oil. They ask us to pay for the reconstruction, and to pay for it, we take the money from reconstructing America. That is a billion dollars a day, $365 billion this year that could be better spent not on Iraq but on priorities such as health care for all Americans, better schools, fighting crime, treating diseases at home and abroad.

In contrast, one of the few numbers going down as the President winds down his tenure is that of judicial vacancies. Judicial vacancies are less than half of what they were during the last Democratic administration, when the Republican majority in the Senate chose to stall consideration of scores of nominees and maintained these vacancies, when they pocket filibustered over 60 of President Clinton's nominees. They succeeded in doubling the number of circuit court vacancies during those years and those vacancies rose to a high of 32 with the resignations that accompanied the change of administration.

By contrast, Democrats have helped reduce circuit court vacancies across the country to as low as 13 in 2007. That is going to be the number of remaining circuit court vacancies today, after the confirmation of Judge Haynes. So that is half of what they were at the end of the last Democratic administration, when a Republican-led Senate was in charge.

During the last Democratic administration, the Republican chairman of the Judiciary Committee argued that the 103 vacancies that then existed did not constitute a vacancy crisis. I guess he meant that when you had a Democratic President, it was not a crisis. He also argued on numerous occasions that 67 vacancies meant full employment on the Federal courts, if you had a Democratic President. After today's confirmation, the Administrative Office of U.S. Courts will list 47 vacancies. That is 20 below what Republicans used to deem full employment, below half. We have cut in half the vacancy level they felt was appropriate for a Democratic administration. In the 17 months I chaired the Judiciary Committee during President Bush's first term, we acted faster and more favorably on more of this President's judicial nominees than any 17 months and either of the Republican chairmen who succeeded me.

During those 17 months the Senate confirmed 100 judicial nominations. When I reassumed the chairmanship last year, the committee and the Senate continued to make progress with the confirmation of 40 more lifetime appointments of judges to our Federal courts. That is more than were confirmed during any of the 3 preceding years under Republican leadership and certainly more than were confirmed in 1996, 1997, 1999, and 2000. What is the difference? A Democratic-led Senate did a lot better for a Republican President than a Republican-led Senate did for a Democratic President.

During this Presidency, while I have served as Judiciary chairman, the Senate will have proceeded after today to confirm 145 lifetime appointments in only 3 years, compared to 158 during the more than 4 years of Republican control. When the Senate confirms Judge Haynes today—here we are in April—we will have surpassed the total number of circuit judges confirmed by Republicans during the entire 1996 session. It was easy to do because a Republican majority refused to confirm even one of President Clinton's circuit nominees, not one. Indeed, the first confirmation of any judge that session didn't even take place until July 10, and that was a district court. So we are also 3 months ahead of the schedule followed by the Republican leadership during that presidential election year.

Some will undoubtedly repeat the partisan Republican talking point that the Senate must confirm 15 circuit judges for Congress to match a mythical statistical average of selected years. God love those mythical statistical averages. It is sort of like the man who puts one foot in boiling water and one foot in a block of ice and says: On average, I am pretty darn comfortable.

Well, it is true that during the last 2 years of this President's father's term, with a Democratic-led Senate, we confirmed an extraordinary number of circuit nominees: 20. It is true that during the last 2 years of the Reagan administration, a Democratic-led Senate confirmed 17 circuit court nominees. So what they are saying is, if we are going to use an average, we are going to use an average only when the Democrats are in charge.

Maybe it would be different if after we set those high records—Democrats with a Republican President—that even a little bit of that had been reciprocated. Well, it was not. Instead, the Republican-led Senate, with a Democratic President, made sure that judicial vacancies skyrocketed to historic levels. It actually got to the point that Chief Justice Rehnquist, a conservative Republican, weighed in publicly to criticize the Republican-led Senate.

Republicans do not talk about what they did. I do not believe they can bear an accurate comparison of what we have accomplished and what they did not.

So I wonder when the Republican leader and others who come to the floor with accusations about slow-walking nominations will explain their roles during the Clinton years—especially the over 60 they pocket filibustered, something joined by every Republican member of the Senate Judiciary Committee.

Why was it that during the 1996 session—the end of President Clinton's first term—the Republican-led Senate refused to confirm a single circuit nomination?

Why was it that Bonnie Campbell, the former attorney general of Iowa, who was supported by both Senator HARKIN, a Democrat, and Senator GRASSLEY, a Republican, was never even allowed to be considered by the Judiciary Committee, to say nothing about the full Senate, after her hearing?

Why was it that Kent Markus, of Ohio, a law professor, a former high-ranking Department of Justice official, who was supported by both his home State senators—both Republicans, incidentally—was never considered by the Judiciary Committee or this Senate?

Why was it that so many circuit vacancies were left without any nominees considered during the last years of the last Democratic administration when Republicans controlled the Senate?

I remember one. When I asked them about that one, they said: Well, we can't have her. We are not sure of her qualifications. That nominee is now the dean of the Harvard Law School—one of the most prestigious legal positions in America.

So Republican Senators have many questions to answer before they level accusations of any kind. To any objective observer, the answer is clear. The Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in hopes they would have a Republican Presidency. Vacancies rose to over 100. Circuit vacancies doubled. But as soon as a Republican President was elected, they sought to turn the tables and take full advantage of the vacancies they prevented from being filled. Well, they have been extraordinarily successful. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents, and more than 35 percent have been appointed by this President.

Another way to look at their success and compare the better treatment shown to this President is to observe that the Senate has already confirmed more than three-quarters of this President's circuit court nominees, compared to only half of President Clinton's circuit nominees confirmed by a Republican-controlled Senate.

Now, as chairman of the Judiciary Committee, I have turned the other cheek. I have worked hard to improve the treatment of nominees. To make progress, I even chaired the Judiciary Committee's hearing on the circuit nomination before us today during a congressional recess. I said that we would treat this President's nominees more fairly than the Republicans treated President Clinton's, and we have. We have not pocket filibustered more than 60 of this President's judicial nominees, as was done to President Clinton's nominees. We have not opposed them in secret or anonymously. In fact, during my chairmanship, the views of home State senators, as reflected in the ''blue slips'' submitted to the committee, were made public for the first time. No more secret holds. We did not allow that. We have considered nominations openly and on the RECORD. We have proceeded with consideration of nominees whom I opposed, something that never happened under previous Republican leadership. If the Republican chairman opposed them, they never even got a consideration.

I am glad we have Judge Haynes here because if she is confirmed, then the Fifth Circuit will have no vacancies. I was almost worried whether she would get here.

Even though she was already on the Judiciary Committee's agenda, she appeared at a political, partisan function at the White House, where they were demanding that she be put on the agenda. Of course, she was already there. It had been noticed for a couple days. Then, when we were set to vote on her last week, Republicans almost filibustered her nomination. They talked so much, we virtually ran out of time, and I had to keep this committee in an extra 10 minutes; otherwise, she would not have been confirmed. It was then that I realized what was happening—just like in February, when they refused to show up and make a quorum throughout the whole month of February. If they had shown up, we would have passed out a number of judges. But they were planning to give speeches saying we are not passing out judges, so they would not show up to make sure that happened.

Mr. CARDIN. Mr. President, will the chairman yield?

Mr. LEAHY. Mr. President, I will yield without losing my right to the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. I thank the chairman.

I say to the Senator, I want to compliment you for the fairness in which you have conducted the confirmation process. It is interesting, on the most controversial nominee we had, the vote was delayed at the request of the Republicans.

Mr. LEAHY. That is right.

Mr. CARDIN. We were prepared to vote. They wanted more time in order to get enough support to get that nominee out of the committee.

Mr. LEAHY. If the Senator will yield, they asked me several times, over a period of several weeks, to delay the vote.

Mr. CARDIN. I say to the Senator, I think you have been abundantly fair in scheduling these hearings. You mentioned Judge Haynes's confirmation. I happen to oppose that nomination, but I have made no efforts at all to delay the consideration of that nomination, which has been true, I think, of all the members on our side.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maryland, who has been a tremendous help and a key member of our committee.

As I said before, if Judge Haynes is confirmed today, the Fifth Circuit will have no vacancies. We have proceeded despite the fact that 12 of the 16 active judges on this court have been appointed by Republican Presidents. I did this notwithstanding the fact that Republicans blocked President Clinton's nominees. Judge Jorge Rangel, of Texas, Enrique Moreno, of Texas, and Alston Johnson, of Louisiana were all blocked. They were told they could not even have hearings because it was a Democratic President. We have not done that. Every one of these circuit court nominees has had a hearing and a vote. In fact, I have held hearings on all six of the Fifth Circuit nominees of this President during my chairmanship. With today's vote, the Senate will have voted on all of them.

Just understand this: Republicans would not hold hearings on President Clinton's nominees to that circuit. I have held hearings on them, and we have voted on them all. And we will hear these crocodile tears on the other side that: Oh, woe is me, we are not getting any circuit judges. Well, most of the time I have ignored it because it has been such balderdash that it is hard to think that anybody would believe it. But just in case somebody has been fooled by it, I thought we would put the numbers in the RECORD.

In fact, vacancies on the Fifth Circuit are at an alltime low—zero after today. Contrast this with the situation during the Clinton years, when the Chief Judge of the Fifth Circuit declared a circuit emergency because Republicans were pocket filibustering all of President Clinton's nominees. That circuit-wide emergency was due to multiple, simultaneous vacancies caused by the fact that the Republican-led Senate would not act on the nominees of a Democratic President.

Mr. President, I ask unanimous consent that, without losing my right to the floor, I be allowed to yield to the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I so appreciate my friend yielding for me to say a few words prior to these votes starting. Mr. President, if there is inadequate time, I will use my leader time. I think we do have an hour left on our side, so I think we have plenty of time. Is that right?

The PRESIDING OFFICER. There is 1 hour 20 minutes remaining.

Mr. REID. Mr. President, the judge situation with me is very touchy. I have written a book. It will be coming out in a few weeks. In that book, I have said—and as I have said a number of times on the floor—the most important issue I ever worked on in all my political career is when the Republicans tried to turn the Constitution upside down with their so-called nuclear option. To think that they would throw away basically having the Senate be the Senate. But they were willing to do that until seven courageous Democrats and seven courageous Republicans stepped in and said: Enough is enough.

The person who has gotten all the abuse on our side is not me, not Senator Daschle; it has been the Senator from Vermont, Mr. LEAHY.

I want to do everything I can to process judges. I believe in quality, not quantity. We are going to do the very best we can. We have a majority. It is very thin. We are going to treat the minority very fairly, as has been indicated in what my friend, the distinguished chairman of the committee, has said.

I commend Chairman LEAHY for his work, not these last few months during this year, not last year, but for his entire career in the Judiciary Committee, as the chairman and ranking member, which I have been able to watch up close. He has done a remarkably good job under very difficult circumstances. How he was treated when he was in the minority is something the history books will recount as some of the low days of the history of this institution.

Senator LEAHY and I decided that it is not payback time. We were going to do to the Republicans what they did not do to us: treat them fairly. We have done that.

My friends have criticized the chairman for the pace of judicial confirmations in this Congress. There is a Yiddish word for those Republican complaints: ''chutzpah.'' What they have complained about is absolutely without any foundation or basis—in fact, the gall to have them do that.

Now, Mr. President, during the years President Clinton was sending judicial nominations to the Republican-controlled Senate, more than 60 qualified nominees were denied floor votes. The chairman referred to them as pocket vetoes. Many were even denied a committee hearing. In 1999, more than 6 months went by before Chairman HATCH agreed to process any judicial nominations.

As I have said many times, we should not hold a grudge. We are not doing that. We should not live in the past. But as a result of the Republican tactics during the Clinton years, some of the vacancies President Bush wants to fill are illegitimate vacancies—the seats are only vacant because the Senate unreasonably withheld its consent to President Clinton's nominations. Republican complaints about the current process must be considered in that light.

For example, one Clinton nominee—and there were lots we could use as examples and talk about here—One Clinton nominee, a distinguished Missouri Supreme Court justice named Ronnie White, was defeated on a party-line vote after Republicans accused him of being pro-criminal. Pro-criminal. How do you like that? Another nominee, Elena Kagan, is now the dean of the Harvard Law School. I don't know if Harvard is the best law school in the country. I don't know if Yale is the best law school in the country. I don't know if Stanford is the best law school in the country. But Harvard is a really good law school, and she is the dean of that law school. She was even denied a hearing because the Republicans claimed the court to which she was nominated didn't have enough work to do. How about that?

So without going on more, other than to say the Republican record as to how it processed Clinton's nominees is dismal. Complaints about Chairman LEAHY should ring hollow, to say the least.

The fact is, 140 of President Bush's judicial nominations—90 percent of them—have been confirmed in the years the Democrats have been in control of the Senate. Last year the Senate confirmed 40 judges, more than during any of the 3 previous years with the Republicans in charge.

After we confirm Catharina Haynes today, more than 75 percent of President Bush's court of appeals nominations will have been confirmed. In contrast, during the 8 years that President Clinton was President, they confirmed 50 percent. So if we stop right now, we would be 25 percent ahead of them at the end of this year.

Well, we are not going to stop now; we are going to try to process more of these nominations. Our treatment of President Bush's nominees has been more than fair and fully in keeping with the Senate's constitutional duty to provide advice and consent to Presidential nominees.

The Republican leader, my friend—I know how much he cares about these judges—talks about the fact that there has been some kind of an agreement that we would confirm 15 of the President's court of appeals nominees in this Congress. We are going to do our very best to process nominations. But it would be a good idea—and we could process a few more—if the Republicans on the Judiciary Committee would show up at the hearings that the chairman holds so he could have a quorum.

Chairman LEAHY and I are not making any specific numerical commitment on behalf of Democrats. I said in a floor statement last May 10 that we should measure the quality of nominees, not the quantity of the nominees. We should confirm mainstream, capable, experienced nominees who are the product of bipartisan cooperation. But we should not confirm nominees who are out of the mainstream and who are unacceptable, for example, to the home State Senators.

The judicial confirmation process has been the subject of much acrimony over the years. I talked about it a little bit earlier. To think what the Republicans were going to do. It is hard for me to comprehend that they were willing to do that, but they were. Senator LEAHY and I have worked hard to diffuse those tensions, and I think we have done a pretty good job. We have done it because we believe there are judges who need to be confirmed. We believe the confirmation of five judges today is another step in that process.

I was so disappointed—and I expressed this privately to the Republican leader today—we bring to the floor five nominees today, and they spend all morning beating up on you. It is kind of a strange world we live in here. Why did they have to do it today? What does that show?

We moved forward on these. We could have done two of them today, and a lot of the Members would be happy. But if we didn't do them all today—it is going to take a lot of time but we decided, let's do these. It is a showing of good faith. I am the one who talked to the chairman of the committee and said let's do them all. All they do is come out and beat the daylights out of him all day.

Mr. LEAHY. Mr. President, would the Senator yield?

Mr. REID. Yes.

Mr. LEAHY. No. 1, I can't tell my dear friend from Nevada how much what he has said has meant. He has told me similar things in private as well as in public. He and I have been close friends for well over 20 years, and he knows of my huge respect and affection for him.

I chuckled as he put his finger on the issue, as he always does—the man from Searchlight shines the light on what happens—and talked about this kabuki show we saw this morning on the floor, criticizing me especially for moving judges. It kind of reminds me of what happened in February where we had markups to confirm judges and the Republicans would not show up. We wondered, why wouldn't they show up for their own judges? Why wouldn't they show up when they were given a chance to get out these judges? And then I find out. They were all giving speeches saying it is terrible we are not getting out judges. Well, if they had shown up, of course, the speeches could not be given. It is kind of damned if you do and damned if you don't.

I said when I became chairman the first time and again the second time I would not do to them, or to President Bush, what they did to President Clinton and to us, and I have not. I do not intend to. I told the President that. But I would like to see a little bit of cooperation from the White House in working with home State Senators and in working with us not to get

idealogues that fit well in a fundraising letter, but instead to nominate people who are good for the Federal court.

So I can't tell the distinguished leader enough how much I appreciate his constant support throughout this whole thing.

Mr. REID. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Mr. President, as I said to the leader, I would still rather see us work with the President on the selection of nominees the Senate can proceed to confirm than waste precious time fighting about controversial nominees to score political points. I will give an example. We have a State with a highly respected Republican Senator and a highly respected Democratic Senator, and they worked together to make recommendations that were completely out of any kind of partisan politics. They sent a list of several people who had gone through the screening committee, talked to everybody on the bar—Democrats, Republicans, people with no political affiliations—and said: Look, here is a list of the best people we could possibly find in our State. White House, you go ahead and pick whomever you want out of this group. We are happy with them.

They came and talked to me, and I said fine. I have huge respect for both the Republican Senator and the Democratic Senator, and I am sure we can move them through. Do my colleagues know what happened. The White House rejected that and sent up a totally controversial person. Again, the fundraising letters went out touting how we have to have this person. Both of the Senators said they would not return a positive blue slip; they wouldn't support this. It was not somebody they wanted to have on their record as supporting.

The White House finally withdrew that name. It went back to those Senators, and I am told by the Senators they have a nomination now that both will support for the circuit court of appeals, and that person will go charging through.

I recall another nomination this White House had made, strongly opposed by the two Senators, one of the more senior Members of the Senate, from their State. Those Senators said they did not want this nomination to go through and it did not. I still hear how terrible it was we did not confirm that nomination, even after the nominee pled guilty to criminal fraud.

I can think of other examples of people whom my Republican colleagues came and said: We really don't want to go with this person because of their situation back home—without going into a further description.

Now, Judge Catharina Haynes—and I see my friend, the distinguished Senator from Texas on the Senate floor, Senator CORNYN—Judge Catharina Haynes is a former Texas State trial judge in the 191st District Court for the State of Texas. She currently works as a partner at the law firm of Baker Botts in Dallas—an excellent firm. The Fifth Circuit has played an extraordinarily historic role in the protection of civil rights in this country. As we moved from that terrible time in our history of segregation into civil rights for all, some of those judges were among the most courageous this Nation has known.

I wish I knew more about Judge Haynes's attitude about civil rights than her record and testimony reveal. But I listened to what the distinguished Senator from Texas said, and I vote in favor of confirmation with the hope that she will treasure and follow the example of earlier judges in that court who made such a passionate commitment to the rights of all Americans.

So I congratulate her and her family on what I expect will be her confirmation today.

We have five nominations. I had been told the leadership has been talking about having rollcalls. We still have a fair amount of time on both sides; am I correct?

The PRESIDING OFFICER. The majority has 1 hour 5 minutes remaining. The minority has 100 minutes remaining.

Mr. LEAHY. Mr. President, because I have been asked by both Republican and Democratic Senators, with the American Airlines snafu and other things as we are trying to get flights out of here, I might ask the distinguished Senator from Pennsylvania how soon he would be willing to start votes if I were to yield back all time.

Mr. SPECTER. Well, Mr. President, I am not quite sure about that. I am quite sure that I waited here for 40 minutes for somebody to appear to start this debate, and I am quite sure we have heard very extensive discussion by the Democrats, but my practice is to be brief. I believe I will speak no more than 15 minutes, perhaps 20 at the outside. I hate to so understate it, but I don't think it takes a whole lot of time to refute what the chairman and the majority leader have said. So I think we are ready to start fairly soon. If we had some indication as to how many rollcall votes we will have—if we have five, which will take us several hours, I might be a little more disposed to be even briefer, if I had some indication of that.

Mr. LEAHY. Mr. President, I am going to talk to the Senators who have proposed these nominations. I have been a little bit more lengthy than normal, but that is after several hours that have been spent on the floor of the Senate being critical of me—I did not respond to that until now—just as a great deal of time was spent in the Senate Judiciary Committee being critical of me which I did not respond to; otherwise, we would not have Judge Haynes on the floor today because the Republicans would have filibustered her nomination.

So I will not quite yet withhold the balance of time. I am prepared, if people want, to begin these votes within the next 5 minutes and to work with—I understand a couple of the proponents of a couple of these judges are not going to require rollcall votes.

I want to be able to confirm that. If that is the case, I am prepared to begin in the next 5 minutes or so. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask the chairman if his willingness to begin in 5 minutes would leave me 5 or, perhaps, 3 minutes. The Senator from Georgia wants 4 minutes, and I would only have 1 minute. My question to the chairman would be, as a vocal, outspoken, voluminous proponent of fairness, if he thinks 1 minute would be sufficient to reply to the better part of an hour, which he has taken. Perhaps I can answer that myself. I don't think it would be sufficient.

Mr. LEAHY. To answer that question, the Senator from Pennsylvania is one of the most articulate, best trial attorneys in this place. He could do in a minute what others would take an hour to do. I did try to take far less time than was used to attack me this morning.

Mr. SPECTER. Well, we have heard the magnanimity of the chairman on this one circuit nominee. So far this year, we have not confirmed any Federal judges. We have heard the magnanimous comments by the chairman about Catharina Haynes. We might not have had one. We didn't have a hearing from September 25 to February 21. I don't think an argument of being magnanimous pertains.

I don't blame the chairman for departing the Chamber. He might not like to hear what I have to say in response; although, I sat through his entire speech. I will not comment on his departure beyond what I have already said.

In listening to the presentation by the Senator from Vermont, I would have thought he was running for President. He had this big, flamboyant chart about the Bush Presidency. The chart had statistics on the unemployment rate going up, gas prices going up, the budget deficit going up, the trade deficit going up, and the number of uninsured people going up. For a moment, I thought I was listening to Senator HILLARY CLINTON. And then, I thought I might be listening to Senator OBAMA. Had either of those Senators been making that speech, I could understand the purpose, but it is a little hard to understand the purpose of the comments by the chairman.

When the chairman talks about Republicans not showing up for committee meetings, he is in fantasyland, as are a good many of his comments.

I ask unanimous consent to have printed in the RECORD a detailed rebuttal. It would take considerable time to answer specifically, but this can be in

the RECORD to demonstrate proof and to establish the fantasy of the chairman's assertions that Republicans didn't show up.

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

Assertion: Chairman Leahy has asserted the Republicans boycotted markups in February when he was trying to move nominations

Rebuttal: Republicans did not boycott Committee business meetings or obstruct the Committee's ability to vote out judicial nominations.

Between the first business meeting of 2008 (Jan. 31) and the April 3 business meeting when Chairman Leahy made the above assertions, the Committee had held only four business meetings (Jan. 31, Feb. 14, Feb. 28, and March 6), and had held two judicial nominations hearings (Feb. 12 and Feb. 21), even though the Senate had been in session eight weeks.

Neither the Jan. 31 meeting nor the Feb. 14 meeting agendas listed any judicial nominations.

A total of five executive nominations were listed on Jan. 31 and Feb. 14 meeting agendas.

Even though no judicial nominations were listed on the Feb. 14 meeting, PI Ranking Member Specter arrived at the meeting early and, finding no other Committee Members present, left to testify before the Senate Finance Committee. When he returned, the meeting had been adjourned. According to Committee records, Senators Leahy, Specter, Kohl, Schumer, Durbin, Kyl, and Brownback were the only Members present before adjournment.

The Feb. 28 meeting was the first to list judicial nominations and only listed two district court nominees—Brian Miller (AR) and James Hall (GA).

A total of four Republicans and five Democrats were present at the Feb. 28 meeting before Senator Specter left at 10:17—hardly a boycott. A fifth Republican, Senator Hatch, arrived after the gavel. (According to Committee records, Specter arrived at 9:59, Coburn 10:00, Feinstein 10:02, Leahy 10:03, Durbin 10:04, Cardin 10:05, Kyl 10:08, Grassley 10:16, Kohl 10:17, Hatch 10:19 after the gavel)

The next meeting was held on March 6 and the Committee voted out four district court nominees: Brian Miller (AR), James Randal Hall (GA), John Mendez (CA), and Stanley Anderson (TN). According to Committee records, Senators Specter, Hatch, Grassley, Kyl, Cornyn, Coburn, Leahy, Biden, Kohl, Feinstein, Feingold, Schumer, Durbin, and Cardin were all present for the Committee vote on the nominations.

Kevin J. O'Connor, nominee to be Associate Attorney General and Gregory Katsas, nominee to be Assistant Attorney General for the Civil Division, who were listed on the Feb. 14 agenda, were also voted out on March 6.

Catharina Haynes was the only judicial nomination listed on the April 3 meeting agenda and was the first circuit court nomination listed on a Committee meeting since Nov. 1, 2007 (5 months ago).

It is unclear what ''boycott' Chairman Leahy is referring to given that the February 28 meeting was the only one between January 1, 2008 and February 28 that listed judicial nominees and a quorum was not reached by 10:15 even though four Republicans were present.

Mr. SPECTER. Now, when the majority leader came to the floor and talked about turning the Constitution on its head with the constitutional option, he glossed over the point pretty fast and missed most of the salient points—that there was enormous provocation that led some Republicans—and I say ''some'' Republicans—to consider raising the constitutional option. What we have seen is a practice going on now for two decades—20 years—since 1986, so it is 22 years now—starting with the last 2 years of the Reagan administration, 1987 and 1988, when the Democrats had control, nominations were slowed down to a crawl. And then the same thing occurred during the last 2 years of the first President Bush. Then Republicans retaliated with gusto in kind, exacerbating the problem.

The one thing I agree with the Senator from Vermont on is that the Clinton nominees were not treated fairly.

That is true. They were not treated fairly, and I said so at the time. I crossed party lines to support qualified Clinton nominees. But, what is happening in this body is just ratcheting it up again and again. And then, after President Clinton's term, we had the virtual disintegration of institutional prerogatives around here due to filibusters that were conducted by the Democrats on the Bush nominees in 2004 and 2005.

The majority leader talks about the constitutional option. Well, the constitutional option was not pursued by Republicans. There were sufficient Republicans to have put the constitutional, or nuclear option, into operation. There were sufficient Republicans to do that. Under the plan, it would have taken 51, but the Republicans did not do that, notwithstanding the Democrats' provocation.

The majority leader said, ''We have been fair to Republicans.'' That comment sort of approaches this issue as if it is a private boxing match between Republicans and Democrats and an issue of fairness between Republicans and Democrats. Well, that is not the issue. The issue is what is fair to the American people. We are not here to spar, to argue or to fight; we are here to do the people's business. How fair is it to the American people to have these nominations delayed where there are judicial emergencies in the courts of the United States? This is not ARLEN SPECTER's idea. The Judicial Conference determines what is a judicial emergency.

There is a judicial emergency in the Fifth Circuit, the court to which Catharina Haynes is nominated and up for a vote today. How long has she waited? It has been over 260 days. Now, I don't consider it relevant as to whether it is fair to Republicans; I consider the question whether it is fair to Americans—the people who live in the Fifth Circuit who have had to wait for decisions to be made by an understaffed court. It may be a statistic to those of us who hold lofty positions—and it is a great privilege to be a Senator. It may be a statistic to us, but if somebody has filed a lawsuit who has been injured, say, in an automobile accident. Someone who has doctor bills and loss of wages, and that person has to wait and wait for the case to come up, finally to be tried, and then to be appealed and waits and waits—that is where the issue is.

Take a look at the waiting periods: Robert Conrad in the Fourth Circuit, a judicial emergency, waiting over 260 days; Raymond Kethledge in the Sixth Circuit, a judicial emergency, waiting over 650 days; Stephen Murphy also in the Sixth Circuit and a judicial emergency, waiting over 650 days. Shalom Stone in the Third Circuit, a judicial emergency, has been waiting over 250 days. Tom Farr in the District Court of North Carolina has been waiting over 490 days. James Rogan has been waiting over 450 days. The list goes on and on. Peter Keisler is a very distinguished nominee who has an extraordinary record, and I ask unanimous consent that his resume be printed in the RECORD.

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

PETER DOUGLAS KEISLER

UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Birth: October 13, 1960, Hempstead, New York.

Legal residence: Bethesda, Maryland.

Education: B.A., Yale University, 1981, Magna Cum Laude; J.D., Yale Law School, 1985, Note Editor, Yale Law Journal.

Employment: Law Clerk, Judge Robert H. Bork, D.C. Circuit Court of Appeals, 1985–1986; Assistant Counsel, Office of the Counsel to the President, 1986–1987; Associate Counsel, Office of the Counsel to the President, 1987–1988; Law Clerk, Justice Anthony M. Kennedy, Supreme Court, 1988; Associate, Sidley, Austin, Brown & Wood, 1989–1993, Partner, 1993–2002; Acting Associate Attorney General, United States Department of Justice, Oct. 2002–March 2003; Principal Deputy Associate Attorney General, United States Department of Justice, June 2002–June 2003; Assistant Attorney General, United States Department of Justice, Civil Division, July 2003–September 2007; Former Acting Attorney General, United States Department of Justice, September 2007–November 2007.

Selected activities: Member, Advisory Committee on Civil Rules; Director & Secretary, Federalist Society for Law and Public Policy, 1983–2000; Member, Maryland Bar Association; Member, District of Columbia Bar Association; Member, Pennsylvania Bar Association; Member, American Bar Association.

ABA rating: Unanimously Well Qualified.

Mr. SPECTER. Mr. President, Peter Keisler has waited for 650 days, and soon, it will be the 2-year anniversary of his nomination. So the real question is not fairness to Republicans; it is a question of fairness to the American people. The American people have not been treated fairly, and they have not been treated fairly by the Democrats, and they weren't treated fairly by Republicans when President Clinton sent nominees to this floor.

It is high time this stops. That is why I have introduced a resolution that would establish a protocol. The protocol would be, after a nominee is

nominated, there be a hearing and then there is a committee vote. Then, the nominee comes before the full Senate and we start to follow the Constitution. There is nothing in the Constitution about filibusters. The Constitution talks about the President's prerogatives to nominate and the Senate's duty to consent or not to consent.

The majority leader made a big to-do about its being a matter of quality, not a matter of quantity. Well, if the majority doesn't like the quality, all they have to do is vote the nominee down. All I am asking for is up-or-down votes. If they don't like the quality, say so. Say so. I think that, on an examination of the record, there would be no real issue about quality. These are quality people. But, if I am wrong, and their judgment is to the contrary, I will abide by that. Vote no. Don't consent. Follow the Constitution and don't consent.

We have real problems with going forward when the chairman talks about judicial vacancies not being the most pressing problem in comparison to unemployment, the economy, and Iraq. I agree there are problems of greater immediacy. But, we have time to handle them all. We might have to work on Mondays and Fridays. A lot of Americans work on Saturdays. We could come in a little earlier, and we could use the floor time a little more efficiently.

I do believe it is time we took stock in what we are doing in this body. You can cite the statistics in many different directions, but I think the real critical statistics are what has happened in the last 2 years during President Bush's Administration in comparison to President Clinton's final two years. There is a decisive discrepancy there. A Republican Senate confirmed 15 of President Clinton's circuit judges in his final two years in comparison to 6 for President Bush before the nominees are considered today. I hope it will go up to 7. President Clinton had 57 district judges and President Bush had 34, and I expect it will go up to 38 today. Over the 8-year terms of the two Presidents, President Clinton had 65 circuit judges and President Bush had 57; President Clinton had 305 district court judges, and President Bush had 237 judges.

So I hope we can move through the morass we find ourselves in. If we don't, there is going to be an election this year, and there may be a Democrat in the White House. I don't know what is going to happen. It is a close matter. The American people will decide that.

At some point, there will be another Democrat in the White House, if not on this election, and there will be retaliation because one insult begets another. As one side exacerbates, so does the other. The 20-year record is not a good record as to what we have here. I urge a truce.

On a personal level, no two Senators in this body have a closer relationship than Senator LEAHY and myself. It goes back a long time when we had important jobs—when he was a prosecuting attorney and I was the same. We have worked together very closely, but we have a disagreement on this issue.

I believe the Republican caucus is right today in its position, and I am prepared to lead the caucus on the issue. That is my job in my capacity as ranking member. When the Republican caucus was wrong, I said so, and I voted with the Democrats on the Clinton nominees.

Mr. LEAHY. Mr. President, will the Senator yield for a unanimous consent request so we can move on?

Mr. SPECTER. Surely.

VOTE ON THE NOMINATION OF CATHARINA HAYNES TO BE UNITED STATES CIRCUIT JUDGE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate call up the nomination of Catharina Haynes of Texas to be United States Circuit Judge for the Fifth Circuit, that the nomination be confirmed and sent to the President.

Mr. SPECTER. Mr. President, I don't understand the import of that question.

Mr. LEAHY. The Senator is talking about ways to move forward. I am asking by consent that we confirm by voice vote Calendar No. 515, Catharina Haynes to be a Fifth Circuit Judge.

Mr. President, is the Senator going to object?

Mr. SPECTER. Mr. President, Senator LEAHY and I have something on which to agree. I agree.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination is confirmed.

Mr. LEAHY. Mr. President, I ask unanimous consent that both sides yield back their time and we begin with a vote on Brian Stacy Miller of Arkansas, which will be a rollcall vote, and if rollcall votes are required on the subsequent nominations, that they be 10-minute rollcalls.

Mr. SPECTER. That they be voice votes?

Mr. LEAHY. No. I should advise, I will ask, if time is all yielded back, for the yeas and nays on Brian Stacy Miller, but if the yeas and nays are requested on the subsequent nominees, that they be 10-minute rollcalls, although subsequent to the Brian Stacy Miller, the first one.

Mr. SPECTER. May I inquire of the distinguished chairman if he intends to ask for the yeas and nays on the other nominees?

Mr. LEAHY. Why don't we begin with this nomination, and the distinguished ranking member, who is one of the closest friends I have in this body, and I may discuss that during that rollcall vote.

Mr. SPECTER. I respect the chairman's right not to answer. The Senator from Georgia has been waiting for a considerable period of time. I agree with whatever Senator LEAHY has had to say. I ask that the Senator be given—how much time would the Senator like?

Mr. CHAMBLISS. Up to 3 minutes, and I also ask that Senator CORNYN be given up to 3 minutes.

Mr. LEAHY. We just confirmed Senator CORNYN's nomination. Does he want us to undo that?

Let me do this. I ask unanimous consent that at 5 minutes of 6, all time be yielded back and the Senate go to a vote on the nomination of Brian Stacy Miller of Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent that the yeas and nays be ordered on Brian Stacy Miller.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to express my support for James Randall Hall to be United States District Judge for the Southern District of Georgia. Randy Hall is supremely well qualified to fill this position.

I am pleased the Senate will finally have an opportunity to vote on Randy's confirmation today. If confirmed, Randy will fill the vacancy created on August 2, 2006, when Judge Avant Edenfield took senior status. The Southern District of Georgia is designated as a judicial emergency, as just referred to by Senator SPECTER, by the nonpartisan Judicial Conference of the United States. This means the court dockets of the Southern District of Georgia are too busy and that litigants are waiting too long for results.

To that end, I thank the chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY, as well as the distinguished Senator from Pennsylvania, the ranking member, Mr. SPECTER, for their efforts and that of their staffs for shepherding Randy's nomination through the Judiciary Committee.

Randy Hall is a native of Augusta, GA. He graduated from Augusta College in 1979 and from the University of Georgia School of Law in 1982. His private practice has focused on commercial real estate, banking, corporate matters, and commercial litigation. During his years as a private attorney, he built an impressive legal resume. He served as general counsel of Bankers First Corporation for over a decade, managing the entire legal function of the billion dollar corporation, including securities matters, State and Federal regulatory matters, litigation, real estate acquisition and development, employment issues, and general corporate projects.

Mr. Hall also has a history of public service. In 1997, he was appointed to the Augusta-Richmond Planning Commission, a 12-member board authorized

to regulate the subdivision of land, plan for the orderly growth and development of Augusta-Richmond County, and zone all land into various use classifications. He served on the commission until 2002, acting as its chairman from 2000 to 2002. In 2003, Mr. Hall was elected to the Georgia State Senate as a senator from the 22nd District in 2003 and served there in 2003 and 2004.

Since 2004, Mr. Hall has been a partner with Warlick, Tritt, Stebbins & Hall in Augusta, GA. Those who know Randy describe him as a man of integrity and someone with good moral character. His colleagues also say he is totally committed to the rule of law, and that he is fair and honest in all of his dealings and undertakings.

I believe the Southern District of Georgia will be well served to have Randy Hall on the bench. I urge all of my colleagues to support his confirmation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent that 3 minutes be yielded to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, I am grateful to the distinguished chairman of the Senate Judiciary Committee for moving this nomination of Catharina Haynes to the Fifth Circuit Court of Appeals, and I am pleased she has been unanimously confirmed today by a voice vote.

Judge Haynes is actually a former State district court judge. I am proud to call her now Judge Haynes as a confirmed United States circuit court judge.

I am proud to concur with the American Bar Association's unanimous opinion that Ms. Haynes is well qualified for a seat on the Federal appellate bench. Her record as both a State judge and a member of the civil bar amply demonstrates the legal acumen, the commitment to justice, and the dedication to public service required for those nominated to serve on our Nation's appellate courts.

It is truly a pleasure to recommend confirmation of a Texas lawyer with a career-long record of dedication to public service and equality before the law. Ms. Haynes has served as a volunteer for pro bono legal aid clinics, providing legal assistance to people who otherwise would be unable to afford to have a will probated or resolve family law issues. Ms. Haynes helped develop a brochure for pro se litigants, opening the doors of justice in what can be a daunting and intimidating system for disadvantaged litigants.

This pattern of helping the less fortunate navigate the legal system bespeaks a commitment to the ideal of equal justice for all. This is but one aspect of Ms. Haynes's service to her community.

Since 2005, Ms. Haynes has been a director of the Vickery Meadow Learning Center, a nonprofit organization that promotes literacy among the residents of a low-income Dallas neighborhood. Ms. Haynes teaches pre-GED classes at the Learning Center. Ms. Haynes's direct involvement her community demonstrates that her dedication to the rule of law is matched by her passion for public service.

Ms. Haynes demonstrated this commitment to public service in 1998, when she gave up a prestigious and lucrative partnership at the Baker Botts law firm to take the bench as a State district court judge on the 191st District Court in Dallas.

As a former district court and appellate judge, I can attest that the district judge's experience seeing actual litigants and the real-world consequences of their legal disputes is invaluable for later service on the appellate bench.

The fundamentals of judging—analyzing the arguments presented to the court in light of the facts and the law—carry over from the trial court to the appellate level. And Ms. Haynes's experience as a trial court judge will undoubtedly remind her each day that the consequences of a judge's decisions always have a human face.

As a State judge, Ms. Haynes gained deep experience in many areas of substantive law including commercial litigation, personal injury, employment, insurance bad faith litigation, and intellectual property. State court judges interpret and apply Federal statutory and constitutional law, which are, of course, the supreme law of the land, binding on judges in every State. In presiding over nearly 300 trials, Judge Haynes distinguished herself for her work ethic and commitment to the rule of law.

Ms. Haynes's intellect and diligence have been evident throughout her legal career, starting with her extraordinary academic record.

After graduating first in her class from Florida Institute of Technology at the age of 19, Judge Haynes went on to graduate, with distinction, second in her class at Emory University School of Law at the age of 22. In her 21–year legal career, she has been involved in a wide variety of complex civil cases in both State and Federal courts.

Ms. Haynes's professional excellence has been repeatedly recognized and honored by her peers in the legal community. Her many awards include the State Bar of Texas Presidential Commendation, the Dallas Association of Young Lawyers Foundation Award of Excellence, and the Dallas Women Lawyers Association Louise B. Raggio Award, which is awarded annually to a Dallas-area attorney who has worked to advance women in the legal profession, shown outstanding legal proficiency and the highest level of ethics, and made a significant contribution to the profession.

It is fitting that Ms. Haynes has received awards for her contributions to the legal profession, given that she has dedicated significant energy to promoting the professionalism and ethics that are central to the rule of law. She has written and spoken extensively on issues of civil trial litigation, professionalism, and ethics.

Among her many professional leadership positions, she has served on the board of the Dallas Bar Association and the Professional Ethics Committee of the State Bar of Texas. Her life's work speaks to a belief in the high calling of a career in law and a steadfast and accomplished pursuit of the profession's highest ideals.

I am pleased that the Judiciary Committee recently approved Ms. Haynes' nomination and the Senate just confirmed her.

The Federal bench needs more men and women of her caliber, drawn from among the best of the civil bar.

Mr. President, the People for the American Way, a liberal advocacy group, sent a letter to the Judiciary Committee last week urging the committee not to proceed with this nomination. To the credit of Chairman LEAHY and my Democratic colleagues, they rejected this baseless and unfair attack.

The lack of any substantial reason to deny this nomination is clear when we look at the pretense offered by People for the American Way for opposing Ms. Haynes. The letter claims that Ms. Haynes has no ''record of commitment to civil rights progress in this country.''

First of all, I do not know exactly what that means. I believe that this group is deliberately creating a vague standard that they can invoke to reject any nominee. I think that it is clear that there is nothing in Ms. Haynes' background that they can reasonably complain about with any specificity, so they fall back on vagueness.

I don't know what this group means by a ''record of commitment to civil rights,'' so I can't respond to that other than by directing my colleagues to Ms. Haynes actual record—a record that was discussed at length in Ms. Haynes' hearing and that this letter ignores completely.

Ms. Haynes has served as a volunteer for pro bono legal aid clinics, volunteering her time to protect the legal rights of those who can't afford a lawyer.

Ms. Haynes helped write a brochure for pro se litigants, giving disadvantaged litigants the tools they need to vindicate their rights in courts of law.

Ms. Haynes serves as a director of the Vickery Meadow Learning Center, a

nonprofit organization that promotes literacy among the disadvantaged. Ms. Haynes teaches pre-GED classes at the center, aiding the less fortunate along the path to literacy, education, and a fuller civic life.

By any fair reading, Ms. Haynes has an exemplary record of commitment to the high ideals of equal opportunity and equal justice before the law—ideals that I believe are at the core of civil rights.

I yield the floor.

Mr. LEAHY. I thank the Senator from Texas.

I believe we are ready to vote.

VOTE ON THE NOMINATION OF BRIAN STACY MILLER TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Brian Stacy Miller, of Arkansas, to be United States District Judge for the Eastern District of Arkansas?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—88

| | | |
|---|---|---|
| Akaka | Cochran | Hatch |
| Alexander | Coleman | Inouye |
| Allard | Collins | Isakson |
| Barrasso | Conrad | Johnson |
| Baucus | Corker | Kennedy |
| Bayh | Cornyn | Kerry |
| Bennett | Craig | Klobuchar |
| Biden | Crapo | Kohl |
| Bingaman | DeMint | Kyl |
| Bond | Dodd | Landrieu |
| Boxer | Domenici | Lautenberg |
| Brownback | Dorgan | Leahy |
| Burr | Durbin | Levin |
| Byrd | Ensign | Lincoln |
| Cantwell | Enzi | Lugar |
| Cardin | Feingold | Martinez |
| Carper | Graham | McCaskill |
| Casey | Grassley | McConnell |
| Chambliss | Hagel | Mikulski |
| Coburn | Harkin | Murkowski |
| Murray | Schumer | Thune |
| Nelson (FL) | Sessions | Vitter |
| Nelson (NE) | Shelby | Voinovich |
| Pryor | Smith | Warner |
| Reed | Snowe | Webb |
| Reid | Specter | Whitehouse |
| Roberts | Stabenow | Wicker |
| Rockefeller | Stevens | Wyden |
| Salazar | Sununu | |
| Sanders | Tester | |

NOT VOTING—12

| | | |
|---|---|---|
| Brown | Feinstein | Lieberman |
| Bunning | Gregg | McCain |
| Clinton | Hutchison | Menendez |
| Dole | Inhofe | Obama |

The nomination was confirmed.

VOTE ON NOMINATION OF JAMES RANDAL HALL

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of James Randal Hall, of Georgia, to be United States District Judge for the Southern District of Georgia?

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN A. MENDEZ

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of John A. Mendez, of California, to be United States District Judge for the Eastern District of California?

The nomination was confirmed.

VOTE ON NOMINATION OF STANLEY THOMAS ANDERSON

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Stanley Thomas Anderson, of Tennessee, to be United States District Judge for the Western District of Tennessee?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session. The majority leader is recognized.

## TO AMEND THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS, TO MAKE TECHNICAL CORRECTIONS, AND FOR OTHER PURPOSES—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 608, H.R. 1195, the highway technical corrections bill. I ask that we move there at 3 p.m. Monday, April 14.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is objection.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, in light of the objection, I now move to proceed to Calendar No. 608, H.R. 1195. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant journal clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 608, H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Harry Reid, Barbara Boxer, Richard Durbin, Charles E. Schumer, Sherrod Brown, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed.

Mr. REID. Mr. President, I now ask unanimous consent the cloture vote occur on Monday, April 14, at 5:30 p.m., the hour prior to the vote be equally divided or controlled between the leaders or their designees, and the mandatory quorum be waived as required under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I hope we can proceed to this bill. This is another bipartisan piece of legislation. Senators BOXER and INHOFE have worked on this bill for months and months. It has been very difficult. It has been like pulling teeth. They get one thing done and something else crops up. It is now done.

I hope we can move to this bill. If there are those who want to offer an amendment, good. Let them offer an amendment. This is something that is important and we need to do. I hope, recognizing this bill relates to the highway bill that we passed 3½ years ago, any amendments offered would be in keeping with the content of the bill. I don't want to get off on Iraq or some tax issue. I hope we can confine it to this legislation.

This is the Senate. After we get on the bill, I hope we could go immediately to it; we wouldn't have to use the 30 hours. If there are things that need to be done, no one is trying to stop anybody from offering amendments. We are not going to be, unless there is a change, and I will certainly give lots of prior warning to the Republican leader after we are on this a while. I hope we can just go through the ordinary process, that we don't have to do any parliamentary maneuvers to get this very important bipartisan piece of legislation done.

Mrs. BOXER. Will the leader yield for a question—a comment and question?

Mr. REID. I am happy to yield.

Mrs. BOXER. I thank the leader very much. This is a very bipartisan piece of legislation that Senator INHOFE and I are very happy is finally coming to the floor.

My question—it is really a comment in the form of a question. You pointed out we are 3 years after the highway bill. This is correcting some unanticipated errors in that bill. What is happening is, here we are in this recession. There are a lot of projects that are stymied. They were unintended to be stymied, but we need to correct that.

My question is, Don't you think it is time to correct a bill that passed 3 years ago, and we are going to get to the new highway bill next year? This is unfinished business. It is bipartisan. My point is, do you believe as strongly as I do that the time has come to do this?

Mr. REID. Mr. President, I say to the distinguished chair of the Environment and Public Works Committee, I appreciate the work done on a bipartisan basis to get us here. If there were ever a time we should do this, a technical corrections bill on a bill that passed more than 3 years ago, it is now. It has taken that long to get it done, especially since we have the highway trust fund that now is $5 billion short of what it should be. There are construction projects that need to go forward. Many of them cannot go forward until this technical corrections bill is passed.

This bill does not favor Democrats. It does not favor Republicans. I think everyone should understand when Senators BOXER and INHOFE work on a bipartisan bill, that is a bipartisan bill. We all know the reputations of the Senator from California and the Senator from Oklahoma. This is a good piece of legislation, and I say to my friend from California, I hope we can get it done very quickly.

We have lots of things to do. I am disappointed we are not going to be able to move to the patent bill. I am sorry about that.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. DURBIN. I may put the leader on the spot, but as I understand it, we have had to file a cloture motion on this bill, which means a threatened filibuster over going to a technical corrections bill to amend and revise a highway bill that is 3½ years old. I know the Republican minority set a record in the Senate with 62 filibusters last year. I don't know if the majority leader can tell us the ongoing number of filibusters from the Republicans at this point. I assume it is over 70 filibusters. The previous record was 62 filibusters in 2 years. Now we have had over 70 filibusters, and we are just into this new legislative year.

I ask the majority leader, in his experience in the Senate, does he ever recall a filibuster being mounted on a bipartisan bill that is a technical corrections bill related to highway projects and other building projects across the Nation, in both Democratic and Republican States?

Mr. REID. I say to my distinguished friend, the answer to that is no. But I do say this: That is why I made my remarks very clear. I think a lot of it has been unfounded, but we have had some distrust that some of the things we are doing will prevent people from offering amendments; there will not be an opportunity to legislate on this bill.

I have no intention—I made it very clear—of filling the tree. I used kind of a buzzword because everyone knew what I was talking about. But I have no intention of doing that. That is why I said I hope once we get on the bill, the 30 hours will not need to be used; we can just go to the bill and start legislating. That would be the right thing to do.

We have now been in this session for 12–15 months. I would hope by this time we know each other a little better, we can trust each other a little better, Democrats and Republicans. I think we just finished some very good work. Today we passed an extremely important housing bill. It was bipartisan.

I was with some people today, and they criticized: Why did you put this provision in there dealing with homebuilders? It is something that they don't need.

I personally disagree with that. In Nevada we have homebuilders who are doing everything they can to hang onto land so when this market bottoms out they will still have some land to build on. Anyway, I said to them we in the Senate today have a very slim majority, 51 to 49. I said to my friend—I asked this question: We have a number of things in this bill that were put in that we did not especially like.

The Republicans got a number of things in this very important housing stimulus bill that they did not like. But that is what legislation is about. That is the big speech I gave to my friend. I think he understood it after I said this a little better.

After that, we also did something on a bipartisan basis: passed, all in 1 bill, 80 different bills. There is no need to go back into the history of why this happened, but it happened, and we were only able to get it done because we worked on a bipartisan basis. I want to do the same on this highway bill.

We have other things coming up that we need to do this work period. As I indicated, because of the patent bill, for reasons that I am sure will be written about over the next few weeks, we are not going to do a patent bill now. The chairman and ranking member could not work out what they wanted to bring to the floor. So, as a result of that, we have a little extra time. I hope that because of that we can do highway corrections, we can maybe move to that.

There is a veterans bill we are trying to get worked out. We know we have more than 50 votes; we hope we have more than 60; we are very close to that.

We have an FHA reauthorization. We need to do that. I spoke to Chairman ROCKEFELLER a few minutes ago.

So without belaboring the point, in answering the question of my dear friend, the assistant Democratic leader, no, I don't remember ever a filibuster being filed on a bipartisan bill. But I do not know the entire history. I hope we can move forward on this piece of legislation in regular order.

Mr. KYL. Mr. President, I want to make one brief comment to the leader.

I have no additional comment to make to the leader. I can pose it as a question, but I do not really need to. The leader is aware that there is no intention on the Republican side to filibuster this bill. I concur in his remarks about the bipartisanship that resulted in both of the bills passing today.

There is one matter that needs to be resolved, as I understand it, with respect to this technical corrections bill, which does need to be dealt with, as the chairman of the committee noted. As far as I know, that is the only matter. There could be others, but I know of no intention on the part of anybody on our side of the aisle to raise extraneous matters to use the bill for any other purpose but to complete action on the bill. I am aware of the same matter that the majority leader is right now as the only matter that exists on our side. So there is no intention on our side of the aisle to filibuster the bill.

Mr. REID. Mr. President, I say also through the Chair to my friend, I have spoken to that Senator, and still we might be able to work something out. If we cannot, he can offer an amendment and see what happens that way.

Mr. KYL. Sure.

Mr. REID. Mr. President, I feel comfortable with what we have been able to accomplish this week. I cannot say that every week we have left here, but this has been a really good week. I think we have accomplished a lot that is good for the American people in the process.

We have a farm bill that is moving along. We had today an actual conference, Democrats and Republicans, trying to come up with a farm bill. It is wonderful that that is taking place because in recent years we have not had a real conference. We have had little meetings take place. But I think that is wonderful that we were able to get that done.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

## THANKING STAFF

Mr. BINGAMAN. Mr. President, earlier today the Senate passed S. 2739, the Consolidated Natural Resources Act of 2008. As I said during the debate, S. 2739 is a collection of over 60 bills reported from the Committee on Energy

and Natural Resources over the past 15 months.

This achievement would not have been possible without the hard work of our outstanding staff. Both the ranking member, Senator DOMENICI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, senior counsel David Brooks had the lead role in assembling the bill. He deserves special acknowledgment. In addition, though, I want to particularly thank the committee's staff director, Bob Simon, for his wonderful work on this legislation, as on all the legislation that comes through our committee; our chief counsel, Sam Fowler, for his superb work, as always; counsels Mike Connor, Kira Finkler, and Scott Miller, and professional staff members Angela Becker-Dimmpann, Jonathan Epstein, and Al Stayman.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; staff assistants Rosemarie Calabro, Rachel Pasternack, and Gina Weinstock; and our Bevinetto fellow who works on our staff, Karl Cordova.

On the Republican side, let me acknowledge Senator DOMENICI's staff director, Frank Macchiarola, who did an excellent job here; his chief counsel, Judy Pensabene; professional staff members Kathryn Clay, Frank Gladics, Josh Johnson, and Tom Lilly; and executive assistant Kara Weishaar.

In addition, I am very grateful to the committee's nondesignated staff: AnnaKristina Fox, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValk, Gary Myrick, and, as always, the secretary for the majority, Lula Davis.

All of these fine staff members had a hand in putting S. 2739 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for the good work.

Mr. President, I know the Senator from Colorado is here to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## CONSOLIDATED RESOURCES ACT

Mr. SALAZAR. Mr. President, I come to the floor today to speak with regard to S. 2739, the bill we approved earlier this afternoon.

First, I wish to acknowledge Chairman BINGAMAN and Senator DOMENICI for their great work in this legislation.

As I worked over the last 2, 3 years on many of the bills that are included in this package of land bills we approved this afternoon, it was gratifying to see the bipartisan nature of the Energy Committee working on this legislation which is so important to our Nation.

I very much agree that the process that historically has been used in the Senate where what we do is to bring these pieces of legislation which are important to our States, which are important to our Nation, through a unanimous consent procedure is the way we ought to go. Unfortunately, because of objections from a few Senators on the other side, we were not able to follow that procedure. But, at the end of the day, through the great leadership of both Senator BINGAMAN and Senator DOMENICI, we were able to get that legislation through. To both of them I say thank you very much for your leadership.

I also thank the staff of the Energy Committee. Bob Simon, David Brooks, all of the staff on both sides who labored very hard on the more than 60 pieces of substantive legislation that we approved here this afternoon that will now head to the President's desk for his signature. So I thank them for their great efforts with respect to this legislation.

I want to speak briefly about four of the bills that were included in this legislation which are important to my State of Colorado and are important to the Nation.

The first of those pieces of legislation has to do with the South Platte River and the North Platte River and a multistate compact that involves the State of Colorado and the State of Nebraska.

Over the years, we have had issues between our States, Nebraska and Colorado, and the State of Wyoming as well, with respect to how we deal with the implementation of the Endangered Species Act and how we recover endangered species on the Platte River, mostly working in the State of Nebraska.

After many years of negotiation and involvement by the Fish and Wildlife Service and the Department of the Interior, the States came together and developed a recovery implementation program. That is a program which is intended to restore the habitat for the whooping crane in the State of Nebraska, with the participatory effort and obligation on the part of the State of Colorado and the State of Wyoming and the State of Nebraska to recover the whooping crane and to recover habitat and hopefully someday to be able to take that threatened and endangered species off of the list.

In order for us to make progress to get there, we needed to implement this tristate agreement with the Federal Government. The legislation we passed today will help us get there, and I very much appreciate the participation of Senator HAGEL and Senator NELSON from Nebraska, as well as Senator ALLARD, Senator BARRASSO, and Senator ENZI from Wyoming on this bipartisan legislation, legislation that is very important to our States.

The second legislative item I want to refer to here briefly is S. 1116, which is the Produced Water bill. This is legislation which was sponsored in the House of Representatives by Congressman MARK UDALL. We pushed it through our Energy Committee because we know this is happening out there in many of our public and private lands across the West; that is, as oil and gas is being developed, there is a huge amount of water that is simply being wasted, that is being disposed of without any kind of beneficial use. For those of us who come from the arid West, who know what it is like to live in places where you only get a few inches of rainfall a year, it is important that we not waste any water whatsoever. So what this legislation will do is it will help us figure out a strategy and a plan forward on how we develop a beneficial use for the water that is being produced from oil and gas production.

The next bill that was included in this package which I wanted to speak about briefly is the Latino Museum bill. That legislation had several dozen cosponsors here in the Senate, including Senator MENENDEZ, Senator MARTINEZ, and many others who worked on that legislation over the last several years.

It is important that when we look at this legislative piece, we understand the contribution many Americans have made to this country over a long period of time. The Latino community has been here in the United States of America for a very long time. Indeed, as the case with my family, my family helped found the city of Santa Fe, NM, in 1598, now some 410 years ago. That was before Jamestown, before Plymouth Rock. You find the stories of our history across the landscape of this country from Florida, throughout the Southwest of the United States of America. And in my own native valley, you can look out from the 8,000-foot elevation of the San Luis Valley to the mountains on the east side of the valley that are named the Sangre de Christo Mountains; that is, the ''Blood of Christ Mountains.'' You can look to the west to another set of 14,000-foot peaks named after St. John the Baptist, the San Juan mountain range.

Throughout America, you see the history of the Latino community etched into the landscape of our country. But it is more than that history that started out now more than four centuries ago here in the Nation, it is also the contributions Hispanics have made to this country as we have evolved from one generation to the next.

It was a group of Hispanic solders who in many ways helped create this Nation through their service in George Washington's Army. It was a huge

number of American soldiers who have served in every single war since the beginning of our Republic, including people like those in my family who served, and some who died, in some of the wars we have fought in this country.

In World War II, my father was a staff sergeant in the Army. My mother, at the age of 19, found her way across the country from a place with no post office and no name in northern New Mexico to the War Department here in Washington, DC, where she spent 5 years contributing to that great cause of the last century which made America the power and the hope and beacon of opportunity for the entire world. There have been thousands and thousands of Americans like that who have made the ultimate sacrifice. But my mother was actually here in Washington, DC during World War II. She received a telegram that said her oldest brother, my Uncle Leandro, had been killed in the war in Europe.

When we authorize a study of the Latino museum in Washington, we are saying that part of our history is to recognize that diversity that makes us a great Nation.

Oftentimes I reflect on the greatness we have here in America. It is important for us to reflect on the fact that that greatness has come about through some pain but always with some promise of the future. Yes, there have been painful chapters of our history, including the very painful chapter where this country allowed for one group of people to own another group of people, simply based on the color of their skin. We lived through another 100 years after the Civil War until Brown v. Board of Education in 1954, when we allowed as a function of government for there to be the separation of the races so that it was OK for there to be Black schools and Brown schools and White schools. It took Justice Warren and a unanimous Supreme Court in 1954 to say that under the 14th amendment, that kind of segregation had no room under the equal protection clause of our Constitution.

When we push forward initiatives as we have today with the Latino initiative, what we are saying to America is, we are a great nation, because we are a diverse people. Justice Sandra Day O'Connor said it best in a case she decided in the last few years involving diversity at the University of Michigan. She said the national security of our country depended on the military forces having diversity. She said that in an opinion that had been filed as an amicus brief by former members of the Joint Chiefs of Staff. She also said that the strength of the Nation in terms of future participation of the United States in the global economy was very dependent on us being able to participate in that global economy, that diversity was required for us to succeed. For that proposition, she cited to a brief filed by some 50 of the Fortune 500 companies that participated in that case. The Latino museum for us is another step in the celebration of our diversity.

As I look at the challenges we face ahead in this century, I think we can embrace and celebrate the diversity of our country that will make us stronger. There will be those who will say we ought to take another road and that that road ought to be the one where we allow differences to separate us, where they will agitate for using those differences among us to create discord and to bring about agents of division. I reject that view. The view I embrace is that the diversity of our country is what will make us strong, not only in the 21st century but beyond. The Latino museum legislation we passed today is one step in making that statement.

I also finally want to comment on S. 327 which was also included in this legislation. It requires a study on ways in which we can celebrate and commemorate the contributions that César Chávez made to the United States. César Chávez was the leader of the United Farm Workers until his death a few years ago, one of the most celebrated Americans we know today and one of the architects of our civil rights movement and someone who in many ways is typified with people who have been pioneers of civil rights such as Martin Luther King, Jr., and others who have done so much to make sure we are an America in progress. It is fitting and proper that we, as a Congress, honor someone with the legacy of César Chávez. I was proud to have bipartisan sponsorship of that legislation so that we can now move forward to figure out ways in which we can celebrate the legacy of this great man.

I yield the floor.

## 10TH ANNIVERSARY OF THE GOOD FRIDAY AGREEMENT

Mr. KENNEDY. Mr. President, today we celebrate the 10th anniversary of the historic Good Friday agreement, which put Northern Ireland on the path to reconciliation and peace after decades of violence, bloodshed, and deep mistrust.

The people of Northern Ireland and the courageous leaders of the political parties in Northern Ireland, Ireland, and Great Britain, all deserve special recognition on this day for their deep and unwavering commitment to peace. We salute them for their extraordinary accomplishment and difficult compromises they were able to achieve to create a greater and better future for the people of Northern Ireland. Their success is an example to the world of what can be accomplished with courage and commitment.

The benefits and advances have been extraordinary over the past decade. Guns are out of politics, and power is being shared on an equal basis. Future generations in Northern Ireland will live in peace, stability and prosperity, and they will do so because of the extraordinary commitment by leaders on all sides to a peaceful resolution of conflict based upon mutual respect for all the people.

All Americans congratulate the people of Northern Ireland on this auspicious anniversary. They were truly blessed to have such extraordinary peacemakers among them, and we pray for similar leadership in resolving the other bitter conflicts that challenge our world today.

## HONORING OUR ARMED FORCES

### LANCE CORPORAL CODY WANKEN

Mr. GRASSLEY. Mr. President, it is with great sorrow I honor a fallen soldier. American hero Marine LCpl Cody Wanken was seriously injured near Fallujah, Iraq, last fall. He subsequently died from these injuries on April 2, 2008. My deepest sympathy and prayers go out to Cody's parents, Rick and Susan Wanken.

Cody was a machine gunner in the 3rd Battalion, 5th Marine Regiment, 1st Marine Division. He was a 2006 graduate of Hampton-Dumont High School and served as the 2005–06 president of the Iowa Jobs for America's Graduates, Hampton-Dumont chapter.

Throughout his youth, Cody was a standout athlete. He played on a Hampton youth baseball team that took first place at the Iowa games, and he was named to the Class 3A, District 2 defensive team after his senior year of high school. Cody returned to speak at Hampton-Dumont while recuperating from his injuries obtained in Iraq.

Cody will be forever remembered by his family, friends, and community members. One of Cody's former coaches said, ''He was very, very proud to serve in the Marines. You could just tell.'' For this, we are all indebted for his service to our country. I express gratitude on behalf of all Americans to the family of a true American patriot, fallen hero Marine LCpl Cody Wanken.

## THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 3, 2007, Andrew Geske and a friend were walking home in the Capitol Hill area of Seattle, WA, when a black BMW pulled up alongside of them. According to Geske, he and his friend stopped walking when the car slowed down, assuming it was an acquaintance of theirs. When the car came to a halt, the driver burst out of the car, hurling

anti-gay epithets at Geske and punching him in the face repeatedly. Reeling from the attack, Geske's arm fell through the passenger side window, where another attacker grabbed onto it. The driver then got back in the car and sped off with Geske's arm still trapped. The victim was dragged several blocks before he broke free, suffering scrapes and sprained fingers in the process. The attack is being investigated as a bias crime and the assailants are still at large.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## TIBET

Mr. SMITH. Mr President, I rise today to speak about the recent violence in Tibet.

I am deeply saddened and angered by the events which have unfolded this past month between ethnic Tibetans and China. In March, China's decades of repression of Tibet exploded into widespread riots, both in the Tibetan autonomous region and ethnic Tibetan areas of China. The Chinese Government responded by imposing a near-total media blackout, and by deploying an overwhelming number of police and military personnel. Within that darkness, dozens of people were killed.

It is still unclear who did the killing, or who was killed. It is unclear what set off the violence. It is even unclear how many people were killed. The Chinese Government claims 22 deaths; independent Tibetan sources say between 79 and 140. There have been a similarly disputed number of people arrested.

One of government's primary functions is to enforce law and order within its borders. But the unrest and violence in Tibet is the direct result of over 50 years of Chinese oppression of Tibetan ethnic, cultural, and political rights. It is the result of China's repression of Tibetan Buddhism and a stream of personal insults against the Dalai Lama. The Dalai Lama, whom I am greatly honored to have met, is honored for his commitment to peace and reconciliation. I cannot think of a time when such a message is more welcome than it is today.

China, on the other hand, offers no similar message of tolerance and peace. Just this morning, there was an article in the Washington Post, in which a human rights lawyer and convert to Christianity lives under constant police surveillance. He is intermittently beaten and harassed by police, who sometimes prohibit him from attending church. For ethnic Tibetans, Chinese human rights violations can be much worse. China's efforts over the past half century to repress Tibetan rights are unacceptable, outrageous and in violation of China's own laws.

I know that many of my fellow Americans stand with me in this belief. As such, I was proud to introduce with my colleague from California a resolution calling on China to ensure the protection of Tibetan rights and culture. The resolution demands that China allow a full and transparent accounting of the recent violence. China must cease the political reeducation of monks, and allow them to possess pictures of the Dalai Lama. It must also release peaceful protestors, and allow independent journalists free access throughout China. In addition, the resolution calls on the U.S. State Department to fully implement the 2002 Tibet Policy Act, particularly the establishment of a U.S. consulate in Lhasa.

I was exceptionally pleased to note that my resolution was unanimously agreed to last night. I believe these measures would go a long way toward safeguarding Tibetan rights, easing the suffering of ethnic Tibetans, and preventing the outbreak of any further violence.

## NATIONAL PUBLIC HEALTH WEEK

Mr. MENENDEZ. Mr. President, today I talk about public health. As I hope many of my colleagues are aware, this week is National Public Health Week, and this year's goal is to increase the Nation's awareness of the serious effects of global warming on the public's health.

When I say global warming, people think of many things. You might think of polar bears, vanishing glaciers, or rising sea levels, but you are not likely to think of the Centers for Disease Control and Prevention. This is unfortunate because there is a direct connection between global warming and the health of our Nation.

A warming planet will affect food, water, shelter, and the spread of infectious diseases. At the same time, we will face more extreme weather events. Storms, floods, droughts, and heat waves will have an acute impact, particularly on hundreds of millions of people in the developing world.

Climate change is very much a public health issue.

The science behind global warming is no longer debatable. Scientists from around the globe have stated in the strongest possible terms that the climate is changing, and human activity is to blame. These changes are already dramatically affecting human health around the world.

The World Health Organization reported that the climate change which occurred from 1961 to 1990 may already be causing over 150,000 deaths or the loss of over 5.5 million disability-adjusted life years annually starting in 2000.

These numbers are staggering, but they should not be surprising: climate change influences our living environment on the most fundamental level, which means it affects the basic biological functions critical to life.

It impacts the air we breathe and the food available for us to eat. It impacts the availability of our drinking water and the spread of diseases that can make us sick.

Last year's Intergovernmental Panel on Climate Change, IPCC, report on climate change put to rest the arguments of many skeptics. But the frequently cited report of Working Group One is just one of three separate IPCC reports. Working Group Two simultaneously issued a sobering report on the impacts of climate change. They predicted that up to 250 million people across Africa could face water shortages by 2020, and that agriculture fed by rainfall could drop by 50 percent. Crop yields in central and South Asia could drop by 30 percent. People everywhere who depend on glaciers or snow pack for their drinking water will be forced to find new supplies.

This is not speculation. These effects are already measurable. The World Health Organization predicts that asthma deaths will rise by 20 percent over the next 10 years, and that climate change is causing greater outbreaks of Rift Valley fever and the spread of malaria in higher elevations in Africa, and more frequent cholera epidemics in Bangladesh. The CDC is preparing for more heat-wave planning and forecasting.

The public health costs of global climate change are likely to be greatest to the nations of the world who have contributed least to the problem. As the world's largest emitter of greenhouse gases, we have a moral obligation to help these countries, which are also least likely to have the resources to prepare or respond themselves. Any strategies for managing climate change impacts must address this unequal burden, and to take into account their unique challenges and needs.

These impacts are different in different parts of the world—and equally troubling, they are disproportionately burdensome for the world's more vulnerable populations. Children, the elderly, the poor, and those with chronic and other health conditions are the most vulnerable to the negative health impacts of climate change.

There is growing recognition that we must act, and we must act now. Fortunately, many of the choices individuals should make for the sake of their health—and the health of their communities—are the same choices that benefit the health of the planet. Making the climate change issue real means helping people understand how the way they live affects themselves and others, whether through their transportation choices, their use of water and electricity or the types of goods they purchase and consume.

What is good to reduce global warming is good for public health, and the shift away from fossil fuels and a movement toward general environmental awareness aligns with existing public health goals.

Clean, renewable energy means less dependence on fossil fuels. The combination of less coal and cleaner coal leads to a host of health benefits. Fewer particulate emissions mean less asthma. Reduced mercury emissions could lead to fewer developmental disorders.

The transportation sector is one of the largest sources of greenhouse gases. Encouraging and enabling people to walk, bicycle, or use public transportation reduces vehicle greenhouse gas emissions and improves urban air quality. But it simultaneously improves an individual's health by increasing physical activity. Improving community design to reduce reliance on cars also means less obesity and diabetes. We should be encouraging States to design and create healthy communities.

We cannot wait to act. We should all continue to work toward national and international policies which fight global warming. And we will make sure that we act justly and help the poorest countries, which are hardest hit by this problem.

And we can start now. Now is the time to prepare our water, agricultural, and disease prevention systems for a warmer planet. Now is also the time to invest in renewable energy and to build pedestrian and bicycle friendly cities. What is good for the planet is good for public health, and I encourage everyone to remember that solutions to a global problem can have immediate, individual benefits.

## SECOND CHANCE ACT

Mr. BROWNBACK. Mr. President, I rise today to acknowledge the Presidential signing of a bill that was two and a half Congresses in the making, the Second Chance Act. This bill, which focuses on reinventing the way in which we create prison reentry programs, will have a dramatic and positive effect on hundreds of thousands of lives—lives that will be changed for the better.

I am equally pleased that the President signaled his support for this much needed legislation by hosting a bill signing ceremony this morning at the White House. I was delighted to join my colleagues in both the Senate and the House of Representatives, as well as the organizations that helped make this bill a reality—it was truly a magnificent event.

Over 650,000 individuals will be released from our Federal and State prisons, and 9 million are released from jails. Approximately two out of every three individuals released from prison or jail commit more crimes and will be rearrested within 3 years of release, placing increasing financial burdens on our States and decreasing public safety.

Recidivism is costly, in both personal and financial terms. Consider: The American taxpayers spent approximately $9 billion per year on corrections in 1982 and in 2002—nearly two decades later—taxpayers spent $60 billion. This current criminal justice system is not working, does not make our cities and States safer and is unacceptable and must be addressed.

The Second Chance Act will address these major issues in the area of corrections. By providing grant money to States through the Department of Justice and the Department of Labor, the bill encourages the creation of innovative programs geared toward improving public safety, decreasing the financial burden on States and successfully reintegrating ex-offenders into society.

Additionally, this bill authorizes two grant programs designed to aid nonprofit organizations—faith-based and community-based organizations—that provide programs to those incarcerated. As you may know, faith-based programs are very successful in reintegrating offenders into society. A 2002 study found that faith-based prison programs result in a significantly lower rate of re-arrest than vocation-based programs—16 percent versus 36 percent.

I and my Senate and House colleagues have worked extremely hard over the past 4 years on this measure that encompasses Federal, State, local, and nonprofit programs. I would especially like to thank Ranking Member SPECTER, Chairman BIDEN, and Chairman LEAHY. Our partnership over the last years has been a true testament to bipartisanship. We were able to put aside our policy differences for the good of those in need and come together on a bill that will provide hope and aid to those incarcerated. The bill will also provide assistance to those most vulnerable and often overlooked—the children of incarcerated parents. Nearly half of all prisoners have children, and it is estimated that one in five of those children will follow their parent into the prison system—this broken system must change, and the Second Chance Act will facilitate such needed change.

Indeed this bill is much needed and will serve as a catalyst for systemic change. This bill is supported by the hard work and determination of over 200 organizations, such as Prison Fellowship Ministries, Open Society, the Council of State Governments, and the U.S. Conference of Catholic Bishops, as well as many State and local government correction officials and law enforcement officials—a truly bipartisan/bicameral coalition of partners committed to changing the criminal justice system.

I commend the tremendous—truly tremendous work these organizations completed on behalf of this bill. Without their partnership, the bill may not have become reality. Through their perseverance and help, much needed reentry resources will be funded to help give those in our prison system a second chance at life. Through substance abuse programs, education, and job training programs, those incarcerated will be given a second chance to be productive citizens. Perhaps most importantly, prisoners will be given a second chance to reconnect with their families through family-based treatment and mentoring programs.

This is a monumental bill that will change the lives of countless individuals and will keep our communities safer by reducing recidivism rates drastically—the goal, 50 percent in 5 years—and it can be done.

Kansas has proven it. In slightly less time than it took us to enact this bill—3 years—Kansas cut their monthly revocation rate by 44 percent . . . 44 percent. I understand that they can also track the recidivism rate for ex-offenders in the 12–18 months of a parolee's release. Even more striking, the State has been able to reduce, by 41 percent, the number of criminal convictions over the last 3 years—proving that reentry programs work.

This is amazing, and I know that with the aid of the Second Chance Act other States are on their way to these successes as well.

I would like to also take a moment to recognize State Representative Pat Colloton from Kansas who was also here today to share in this celebration and is one of the leaders in Kansas on this issue.

Mr. President, this has been a great day for the supporters of the Second Chance Act. I commend them for their efforts, and I ask unanimous consent that the full list of organizations that support this program be printed in the RECORD for their outstanding work on this issue.

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

ORGANIZATIONS THAT SUPPORT THE SECOND CHANCE ACT

Access Community Health Network of Chicago; Addictions Coalition of Delaware, Inc.; AdvoCare, Inc., Hancock, MD; All of Us or None Oklahoma; Alliance for Children and Families; Alston Wilkes Society, South Carolina; Alvis House, Inc., Columbus, OH; American Academy of Child and Adolescent Psychiatry; American Bar Association; American Catholic Correctional Chaplains Association; American Center for Law and Justice; American Conservative Union; American Correctional Association; Amercan Correctional Chaplains Association; American Counseling Association; American Jail Association; American Probation and Parole Association; American Psychological Association; The Arc of the United States; Arizona Statewide TASC: Treatment Assessment & Screening Center.

Association for Better Living and Education; Association of Citizens for Social Reform; Association of State Correctional Administrators; A T Roseborough & Associated, Inc.; ATTIC Corrections Services, Inc., Madison, WI; BASICS, Inc.—Bronx, New York; Big Brothers Big Sisters of America; BOP Watch; The Bronx Defenders; Broward County Regional Project Safe Neighborhoods Task

Force; California Association of Alcohol and Drug Program Executives; Catholic Charities USA; Center for Community Alternatives; Center for Community Corrections, Syracuse, NY; Center for Employment Opportunities (CEO)—New York; Center for Law and Social Policy; Center for Public Justice; Center for Youth as Resources; Center on Juvenile and Criminal Justice; Changin' Lives, Sugarland, TX.

Chicago Coalition for the Homeless; Child Welfare League of America; Children's Defense Fund; Christian Coalition; Church Council of Greater Seattle; Church Women United; Citizens United for Rehabilitation of Errants—Virginia, Inc.; Coalition for Juvenile Justice; Coalition of Community Corrections Providers—New Jersey; Coalition to End Homelessness, Ft. Lauderdale, FL; Concerned Citizens Coalition, Front Royal, VA; The Consortium for Citizens with Disabilities Criminal Justice Policy Task; Force; Corporation for Supportive Housing; Correctional Education Association; Council of Juvenile Correctional Administrators; Covenant House; Criminon International; D.C. Prisoners' Legal Services Project; Delaware Center for Justice, Inc.; East Bay Community Law Center, Berkeley, CA.

East County One Stop, OR; Evangelical Lutheran Church in America; FAAM—Utah Chapter; F.A.C.E.—Baltimore, MD; Family Justice, New York, NY; Family Research Council; Family Service Agency, AZ; Federal Defense Associates, Santa Ana, CA; Federal Prison Policy Project; Federation of Families for Children's Mental Health; Fifth Avenue Committee; Fight Crime: Invest in Kids; Foster Family-based Treatment Association; Friends and Family of Incarcerated Persons, Las Vegas, NV; Gastineau Human Services Corporation—Juneau, AK; Goodwill Industries International; HARP (Housing Assistance and Resource Program), Lebanon, PA; Haymarket Center of Chicago; Heartland Alliance for Human Needs and Human Rights; Horizon Faith-based Communities in Prisons.

Human Kindness Foundation; Idaho Department of Correction; Illinois TASC; Indiana Citizens United for Rehabilitation of Errants; International Association of Reentry; International Community Corrections Association; Jacksonville Area Legal Aid, Prisoner Reentry Program; Jewish Prisoner Services International; Johnson Institute; Justice Fellowship; Justice Watch, Inc.; Kids First Coalition; Leadership Conference on Civil Rights; Learning Disabilities Association of America; Legal Action Center; Lifetrack Resources—Minnesota; Local Initiative Support Corporation (LISC); Lutheran Services of America; Marion County Reentry Court, Indianapolis, IN; Mennonite Central Committee Washington Office.

Montgomery County (MD) Department of Correction and Rehabilitation; NAACP; NAACP Legal Defense & Educational Fund, Inc.; NAADAC—The Association for Addiction Professionals; National AIDS Housing Coalition; National Alliance for the Mentally III; National Alliance of Faith and Justice; National Alliance to End Homelessness; National Association of Blacks in Criminal Justice; National Association for Children of Alcoholics; National Association for Children's Behavioral Health; National Association of Counties; National Association of Drug Court Professionals; National Association of Protection and Advocacy Systems; National Association of School Psychology; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Black Caucus of State Legislators (NBCSL); National Black Church Taskforce Initiative on Crime and Criminal Justice; National Citizens United for Rehabilitation of Errants (CURE).

National Coalition of Full Opportunity for Felons (NCFOF); National Committee on Community Corrections; National Consortium of TASC Programs Inc.; National Correctional Industries Association; National Council for Community Behavorial Healthcare; National Council of La Raza; National HIRE Network; National Independent Living Association; National Law Center on Homelessness & Poverty; National Low Income Housing Coalition; National Network for Youth; National Re-Entry Resource Center; National Religious Affairs Association; National Sheriffs' Association; National TASC; National Transitional Jobs Network; National Urban League; New Hope Project—Wisconsin; New Jersey Community Corrections Association; New York City Departments of Correction and Probation.

New York Therapeutic Communities, Inc.; NY TCA; Noisette Foundation, North Charleston, SC; North Carolina TASC Training Institute; North West Community Corrections Center—Bowling Green, OH; Office of the Appellate Defender in New York; Ohio Community Corrections Association; Ohio Department of Rehabilitation and Correction; Ohio TASC Partnership; Our Daughters & Sons Support Group, Newport News, VA; Pacific Mountain WorkSource; Physicians for Human Rights; Pioneer Human Services—Seattle, WA; Police Executive Research Forum (PERF); Positive Resistance, Inc.; Presbyterian Church (USA), Washington Office; Prevent Child Abuse America; Prison Fellowship; Prison Ministry and Criminal Justice Commission of the National Baptist Convention, USA, Inc.; Prisons Foundation.

Public/Private Ventures; Rebecca Project for Human Rights; Tarzana Treatment Centers; Region 1 TASC Regional Coordinating Entity of Coastal Horizons Center, Inc.; Resource Information Help for the Disadvantaged (RIHD, Inc.); Restoration Enterprises, Redding, CA; The Safer Foundation; The Salvation Army; Samaritan Village; Sargent Shriver National Center on Poverty Law—Chicago; School Social Work Association of America; Seattle Ready4Work; Second Chance, San Diego, CA; Second Chance Ready4Work, Memphis, TN; The Sentencing Project; SHAR, Inc.; Society For Return To Honor, AZ; Southend Community Services/Our Piece of the Pie, Hartford, CT; State Associations of Addiction Services (SAAS); Stay'n Out and Serendipity Programs.

Stella Maris, Inc.—Cleveland, OH; STEPS To End Family Violence, New York, NY; Students for Sensible Drug Policy; Therapeutic Communities of America; Transitional Living Centers, Inc.—Williamsport, PA; TurnAround Village, LTD; United Cerebral Palsy; United Church of Christ/Justice & Witness Ministries; United Methodist Church General Board of Church and Society; United States Conference of Catholic Bishops; United States Conference of Mayors; University of Alabama, Birmingham TASC; UrbaneKnights, Inc.; Virginia CURE; Volunteers of America; Washington Legal Clinic for the Homeless; WestCare Foundation—Las Vegas, NV; The Wilberforce Forum; Women of Reform Judaism; Word of Hope Ministries, Inc./Ready4Work; Youth Advocate Programs, Inc.; Youth Law Center.

## JULIA M. CARSON POST OFFICE

Mr. BAYH. Mr. President, Senator LUGAR and I honor Congresswoman Julia Carson by urging the Senate to support the legislation, S. 2534, which will designate a U.S. Post Office in Indianapolis in her name.

The U.S. Postal Service recommended the Mapleton Station Post Office in Indianapolis be the location named in her honor. Congresswoman Carson was not only instrumental in the erection of the new Mapleton Station, which opened its doors at a new location on July 15, 2005, but she also attended the dedication ceremony for the new building on August 11, 2005. This new, attractive building will be a terrific sign of respect for her.

Congresswoman Carson was born on July 8, 1938, in Louisville, KY. When she was only 1 year old, Julia and her family moved to Indianapolis. Carson graduated from Crispus Attucks High School in 1955 and attended Martin University in Indianapolis and Indiana University-Purdue University at Indianapolis.

Julia Carson's political career began when she was working in the Indianapolis office of former Congressman Andy Jacobs, who served 15 terms as the Congressman from Indianapolis, 10th District, Indiana. Jacobs encouraged Carson to run for the Indiana House of Representatives. Elected in 1972, Carson served in the Indiana House of Representatives for 4 years. In 1976, after serving in the Indiana House, Julia Carson successfully ran for a seat in the Indiana Senate, where she continued to serve Hoosiers for 14 years. In that position, Julia Carson gave unfailing support to Indiana's successful ratification of the Equal Rights Amendment and supported legislation to improve women's economic status, such as the bill she advocated to include household workers in the minimum wage.

After serving in the Indiana Senate, Carson became a trustee for Center Township of Marion County, an area comprised of downtown Indianapolis, where she instituted aggressive measures to help the city's homeless and trimmed the inflated welfare rolls by imposing new rules that required able-bodied recipients to work or attend school as a condition of receiving poor relief. In 1992, Julia Carson was declared Woman of the Year by the Indianapolis Star for her efforts to improve welfare and create a fiscal surplus in Marion County. Her dedication to Indianapolis continued to the U.S. House of Representatives. In 1996, Andy Jacobson retired from the U.S. House of Representatives, and Carson successfully won his seat, representing what was then Indiana's 10th Congressional District. Representative Julia Carson is only the third woman and second African American to be elected to the U.S. House of Representatives from Indiana.

As Congresswoman, Julia Carson is best remembered for her leadership awarding the Congressional Gold Medal to Rosa Parks for her instrumental role in the civil rights movement. Carson worked closely with Senator EVAN BAYH on initiatives to establish a program that would promote more responsible fatherhood by creating educational, economic, and employment opportunities. She also worked with

Senator RICHARD LUGAR to improve children's health care.

While in Congress, Julia Carson served on the Committee of Financial Services, the Subcommittee of Financial Services and Consumer Credit, the Subcommittee on Housing and Community Opportunity, the Committee on Transportation and Infrastructure, the Subcommittee on Railroads, Pipelines and Hazardous Material, and the Subcommittee on Highways and Transit. Carson was also a member of the Congressional Black Caucus. Throughout her 10 years in Congress, Julia Carson worked tirelessly for the poor and forgotten.

Shortly after announcing her diagnosis with terminal lung cancer, Julia Carson died on December 15, 2007, at age 69. At her funeral service, those who spoke all said Carson, the daughter of an unwed teenage mother who worked as a housekeeper, never forgot where she came from. Therefore, it is only fitting that the Congress designate a post office in the name of Julia M. Carson in her hometown of Indianapolis.

## ADDITIONAL STATEMENTS

### TRIBUTE TO THE GEORGIAN CLUB

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD the 25th anniversary of the Georgian Club, the first suburban city club in metropolitan Atlanta.

The citizens of Cobb County immediately embraced the Georgian Club when it first opened its doors on April 19, 1983. I was proud to be a founding board member and I am proud to serve as chairman of the board of directors today.

With its breathtaking view of the Atlanta skyline, the Georgian Club offers unparalleled service, fine dining, and a relaxed atmosphere. Its consistently high standards ensure an enjoyable experience every time.

Many great leaders of Georgia have graced the halls of the Georgian Club, including my predecessor here in the U.S. Senate, Zell Miller, my colleague, Senator SAXBY CHAMBLISS, former Speaker of the House, Newt Gingrich, and President Jimmy Carter.

The Georgian Club is the vision of Jim Rhoden who has contributed to Cobb County and Georgia in countless civic and charitable ways.

It gives me a great deal of pleasure and it is a privilege to recognize in the U.S. Senate the 25th anniversary of the Georgian Club. The Georgian Club is a wonderful asset to our community and I congratulate this fine establishment on its well-deserved success.•

### TRIBUTE TO DICK HALLIBURTON

• Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring Dick Halliburton, an accomplished advocate at Legal Aid of Western Missouri. He has fought tirelessly for 38 years for the rights of low-income Missourians, first as a Legal Aid of Western Missouri, LAWMO, attorney and for the last 20 years as LAWMO's executive director. During his time as executive director, LAWMO's staff has represented clients in more than 250,000 cases—obtaining thousands of protective orders for victims of domestic violence, preventing thousands of unlawful evictions, obtaining safe and affordable public and federally subsidized housing for thousands of families; and obtaining Medicaid, SSI and other public benefits for thousands of Missourians.

His work has empowered low-income people throughout western Missouri, by giving them the means to assert and protect their legal rights in court. Without his leadership, many low-income people throughout Western Missouri would not have had meaningful access to the civil justice system.

Dick has worked for years as a governor of the Missouri bar to advocate for the interest of low-income people. This work has encouraged the bar to provide direct funding for Missouri's legal services programs and to advocate for State funding for legal services, which the programs now receive.

He has led LAWMO through many difficult challenges. Through it all, he has maintained the integrity of the program and made sure that LAWMO continues to provide high quality legal services that meet its clients' needs.

Dick has greatly increased private donations, grants and other non-LSC funding for the program. When he began as executive director, LSC funding accounted for well over half of LAWMO's budget. Now it is barely a quarter of the organization's budget.

Dick has trained and nurtured one of the most experienced and well-respected groups of case handlers in any legal services program in the country, and those case handlers have achieved consistently high-quality results for their clients.

Dick's work takes into account the words and commitment to public service of Reginald Heber Smith, who in his book, ''Justice and the Poor,'' stated:

> Without equal access to the law, the system not only robs the poor of their only protection, but it places it in the hands of their oppressors the most powerful and ruthless weapon ever created.

In short, Dick Halliburton has made Missouri's justice system more accessible for low-income people and, in doing so, he has improved the lives of all Missourians. We are sincerely grateful for his work.•

### UNIVERSITY OF SOUTH DAKOTA WOMEN'S BASKETBALL TEAM

• Mr. THUNE. Mr. President, today I honor the University of South Dakota Coyotes women's basketball team on their second place finish in the 2008 NCAA Division II Tournament. This was USD's first trip to the National Championship game.

The USD women's basketball team has a long history of success, including three NCC Conference Championships from 1982 to 1985, as well as eight appearances in the NCAA Division II National Tournament. South Dakota, which concluded the season with a 33 and 2 overall record, won the North Central Conference with a 12 and 0 record. This was USD's final season in Division II athletics and it was undoubtedly one of the best in school history.

Certainly, this historic season would not have been possible without the players themselves. The members of the 2007–2008 University of South Dakota women's basketball team are as follows: Natalie Carda, Shannon Daly, Michelle Dirks, Anne Doshier, Kelli Fargen, Amber Hegge, Jeana Hoffman, Jenna Hoffman, Kara Iverson, Jasmine Mosley, Amy Robinette, Ashley Robinette, Annie Roche, Kendra Schomer, Bridget Yoerger, Maggie Youngberg.

Although this accomplishment was truly a team effort, I would like to pay special recognition to their coach Chad Lavin, who will be retiring after 14 years with the USD women's basketball team. Coach Lavin is USD's career wins leader with 271. Lavin's coaching success has not gone unnoticed as he has been named the NCC Coach of the Year four different times and has been selected as the Russell Athletic/WBCA North Central Regional Coach of the Year for the 2007–2008 season.

The coaches and student athletes of USD's women's basketball team should be very proud of all of their remarkable achievements this season. On behalf of the State of South Dakota, I am pleased to say congratulations to the Coyotes on this impressive season.•

### CONGRATULATING JEFFERSON HIGH SCHOOL'S BASKETBALL TEAMS

• Mr. WYDEN. Mr. President, I wish to take a few minutes to talk to the Senate and America about the great pride that I and other Oregonians are feeling about the recent championships of Jefferson High School's girls' and boys' basketball teams, the Democrats. Both teams have been crowned winners of the 2008 5A state championship, respectively. Both the boys' and girls' basketball teams have had amazing seasons. In fact, Jefferson is the first high school in 5A history to ever win dual championships in the same season. This is an extraordinary accomplishment for a school that has only 600 kids in their student body and competes with schools that are much larger in size all the time.

The championships capped a regular season in which both teams turned in performances that were unprecedented in Oregon sports history. The Jefferson girls went undefeated with a regular season record of 27–0 and won their championship against a very tough Hermiston team on March 8, 2008. The

Jefferson boys had a regular season record of 24–1. They duplicated the girls' victory the following weekend on March 15, 2008 by winning their first state championship in the 5A Division against a very good Corvallis team.

Both teams showed an incredible amount of determination; they proved their great will to win and displayed a spirit that would not allow them to give up. As a former basketball player myself, I know how hard it is to win and play at a high level for multiple games. I am especially proud because Jefferson High School has a special place in my heart. When I started my public career in Portland, I lived in the Jefferson district, so I always feel like it is home.

I learned a long time ago that the Jefferson community is the heart and soul of Portland. That is why I want all of my colleagues in the Senate and people around the country to know about the Jefferson Democrats' Herculean efforts and achievements. These two teams exemplify the character and true values of Oregonians by proving that hard work can lead to great success. They have shown that if you really work at something and are persistent, you can get the job done on and off the hardwood.

I want to salute all the members of the girls' basketball team and acknowledge the exceptional play of their starting lineup Janita Badon, Dequise Hammick, Nyesha Sims, Ariel Reynolds, and Tyrisha Blake who have proven to be the best girls' starting lineup in Oregon. Without the solid contributions from Jasmine Smith, Arquazia Jackson, Daniel Dixon, Debbie Blackmon, Arqueisha Preston, Hollisha Watson, Denaya Brazzle and Adreya Hudson, the Democrats would not have won a state championship. They also had great leadership that took them all the way to the championship, starting with their head coach, Michael Bontempts, and his outstanding assistant coaching staff.

I also want to salute the members of the boys' basketball team who carried on the tradition of winning that has been built by so many Jefferson champions who came before them community and business leaders like Tony Hopson, Ray Leary, Aaron Miles, and Michael Lee. Each of them began at Jefferson and went on to become winners in life after winning championships on the court. It will not surprise me when I read about the huge individual successes that these stellar players from the 2008 championship teams will have in their future. Oregonians everywhere will surely be watching as they go off to pursue great things.

So I applaud all the players on the boys' basketball team along with their head coach, Marshall Haskins, and his coaching staff. They put together a great starting line-up for the 2007–2008 season, including Terrance Jones, Terrance Ross, Tyrone White, Kalonji Paschel, Henry Williams and Jordan Black who is known as the best sixth man in 5A basketball. The Jefferson boys' roster was loaded with talent that gave them an option of a second starting line up that often made it difficult for teams to prepare for them when Darrel Nelson, Noah Kone, Jonathan Hall, Marlon Miles, Alexander Johnson, Robert Price, and Rashad Dent entered the game.

Jefferson keeps winning against all odds. They are true champions and an inspiration for all Americans both on and off the court. Their commitment and dedication to hard work has given me a new reason to be proud that I am an Oregonian. I will savor this unique moment in our State's sports history along with my fellow 3 million Oregonians as I congratulate both the girls' and boys' Democrats on a job well done.●

## MESSAGE FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that the following Members be the managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except sections 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Messrs. PETERSON of Minnesota, HOLDEN, MCINTYRE, ETHERIDGE, BOSWELL, BACA, CARDOZA, SCOTT of Georgia, GOODLATTE, LUCAS, MORAN of Kansas, HAYES, Mrs. MUSGRAVE, and Mr. NEUGEBAUER.

From the Committee on Education and Labor, for consideration of sections 4303 and 4304 of the House bill, and sections 4901–4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference: Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, and Mr. PLATTS.

From the Committee on Energy and Commerce, for consideration of sections 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and sections 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, PALLONE, and BARTON of Texas.

From the Committee on Financial Services, for consideration of section 11310 of the House bill, and sections 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference: Mr. KANJORSKI, Ms. WATERS, and Mr. BACHUS.

From the Committee on Foreign Affairs, for consideration of sections 3001–3008, 3010–3014, and 3016 of the House bill, and sections 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, SHERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of sections 11102, 11312, and 11314 of the House bill, and sections 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, SCOTT of Virginia, and SMITH of Texas.

From the Committee on Natural Resources, for consideration of sections 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Ms. BORDALLO, and Mrs. MCMORRIS RODGERS.

From the Committee on Oversight and Government Reform, for consideration of sections 1501 and 7109 of the House bill, and sections 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, TOWNS, and JORDAN of Ohio.

From the Committee on Science and Technology, for consideration of sections 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and sections 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, LAMPSON, and MCCAUL of Texas.

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of sections 2203, 2301, 6019, and 6020 of the House bill, and sections 2604, 6029, 6030, 6034, and 11087 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. NORTON, and Mr. GRAVES.

From the Committee on Ways and Means, for consideration of section 1303 and title XII of the House bill, and sections 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference: Messrs. RANGEL, POMEROY, and MCCRERY.

For consideration of the House bill (except title XII) and the Senate amendment (except sections 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Ms. DELAURO and Mr. PUTNAM.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2016. An act to establish the National Landscape Conservation System, and for other purposes.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES DISCHARGED

The following measure was discharged from the Committee on Environment and Public Works by unanimous consent, and referred as indicated:

H.R. 123. An act to authorize appropriations for the San Gabriel Basin Restoration Fund; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2016. An act to establish the National Landscape Conservation System, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 10, 2008, she had presented to the President of the United States the following enrolled bill:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

## 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–5745. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerance'' (FRL No. 8357–2) received on April 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5746. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerance'' (FRL No. 8356–9) received on April 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5747. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report relative to the total cost for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC–5748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P 180 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–087)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–048)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS–365N2 and N3, SA–365C, C1 and C2, and SA–365N and N1 Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–43)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2008–NM–029)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5752. A communication from the Senior Vice President, Communications, Government and Valley Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Statistical Summary of the Board of Directors for fiscal year 2007; to the Committee on Environment and Public Works.

EC–5753. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a navigation improvement project for Port Lions, Alaska; to the Committee on Environment and Public Works.

EC–5754. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-methylcyclopropene; Amendment to and Exemption from the Requirement of a Tolerance'' (FRL No. 8357–5) received on April 8, 2008; to the Committee on Environment and Public Works.

EC–5755. 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 Implementation Plans; State of Iowa'' (FRL No. 8553-1) received on April 8, 2008; to the Committee on Environment and Public Works.

EC–5756. 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 Implementation Plans; North Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance Plan for the Raleigh/Durham and Greensboro/Winston-Salem/High Point Areas'' (FRL No. 8551-9) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5757. 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 Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions'' (FRL No . 8548-8) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5758. 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 State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Large Municipal Waste Combustor Emissions from Existing Facilities'' (FRL No. 8552-5) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5759. A communication from the Branch Chief 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 Helianthus paradoxus'' (RIN1018-AV02) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5760. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parks, Recreation Areas , Wildlife and Waterfowl Refuges, and Historical Sites'' (RIN2125-AF14) received on March 31, 2008; to the Committee on Environment and Public Works.

EC–5761. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Standards for E-Prescribing Under Medicare Part D and Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare Prescription Drug Program'' (RIN0938-AO66) received on April 8, 2008; to the Committee on Finance.

EC–5762. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under Section 6050L Relating to Information Returns by Donees of Qualified Intellectual Property'' ((RIN1545-BE11)(TD 9392)) received on April 8, 2008; to the Committee on Finance.

EC–5763. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2008-45) received on April 8, 2008; to the Committee on Finance.

EC–5764. A communication from the Program Manager, Office of Clinical Standards and Quality, Department of Health and Human Services , transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities'' (Docket No. CMS-3818-F) received on April 8, 2008; to the Committee on Finance.

EC–5765. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Part 121—The United States Munitions List'' (22 CFR Part 121) received on April 4, 2008; to the Committee on Foreign Relations.

EC–5766. A communication from the Deputy Assistant Secretary, Office of Federal

Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination and Affirmative Action Obligations of Contractors and Subcontractors Regarding Protected Veterans'' (RIN1215-AB65) received on April 8, 2008; to the Committee on Health, Education, Labor , and Pensions.

EC–5767. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Annual Leave for Senior-Level Employees'' (RIN3206-AL49) received on April 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5768. A communication from the Director, Voting Rights Program, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Conform the United States Code of Federal Regulations to the Voting Rights Reauthorization and Amendments Act of 2006'' (RIN3206-AL40) received on April 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5769. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Locations and Hours; Changes in NARA Research Room Hours'' (RIN3095-AB57) received on April 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5770. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5771. A communication from the Chairman of the Council of the District of Columbia, transmitting a Council Resolution entitled, ''Sense of the Council in Support of Establishing the United States of America's First National Civilian University in our Nation's Capital Resolution of 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–5772. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of the Attorney General relative to the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2007; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers (Rept. No. 110–283).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge (Rept. No. 110–284).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes (Rept. No. 110–285).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 189. A bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan (Rept. No. 110–286).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1039. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey (Rept. No. 110–287).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes (Rept. No. 110–288).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1247. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes (Rept. No. 110–289).

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail (Rept. No. 110–290).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes (Rept. No. 110–291).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1341. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes (Rept. No. 110–292).

S. 1365. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes (Rept. No. 110–293).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1377. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes (Rept. No. 110–294).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska (Rept. No. 110–295).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1476. A bill to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System (Rept. No. 110–296).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes (Rept. No. 110–297).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1740. A bill to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota (Rept. No. 110–298).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1802. A bill to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho (Rept. No. 110–299).

S. 1921. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes (Rept. No. 110–300).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1939. A bill to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico (Rept. No. 110–301).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes (Rept. No. 110–302).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1941. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes (Rept. No. 110–303).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1961. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama (Rept. No. 110–304).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes (Rept. No. 110–305).

S. 1991. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes (Rept. No. 110–306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2034. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes (Rept. No. 110–307).

S. 2098. A bill to establish the Northern Plains Heritage Area in the State of North Dakota (Rept. No. 110–308).

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations (Rept. No. 110–309).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 30. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project (Rept. No. 110–310).

H.R. 299. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes (Rept. No. 110–311).

H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement (Rept. No. 110–312).

H.R. 759. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the ''Bob Hope Memorial Library'' (Rept. No . 110–313).

H.R. 807. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System (Rept. No. 110–314).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 815. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard (Rept. No. 110–315).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 830. A bill to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska (Rept. No. 110–316) .

H.R. 1021. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes (Rept. No. 110–317).

H.R. 1025. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas (Rept. No. 110–318).

H.R. 1191. A bill to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park (Rept. No. 110–319).

H.R. 1239. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes (Rept. No. 110–320).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1462. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir (Rept. No. 110–321).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes (Rept. No. 110–322).

H.R. 1662. A bill to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes (Rept. No. 110–323).

H.R. 3079. To amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes (Rept. No. 110–324).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3196. A bill to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. A bill to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. A bill to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. A bill to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. A bill to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. A bill to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. A bill to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. A bill to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. To designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4454. A bill to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. A bill to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

S. 2534. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

S. 2626. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sergeant Michael M. Kashkoush Post Office Building''.

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

S. 2675. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

*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. CORNYN (for himself, Mr. GREGG, Mr. LIEBERMAN, and Mr. HAGEL):

S. 2839. A bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. HAGEL):

S. 2840. A bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2841. A bill to amend the Oil Pollution Act of 1990 and title 46, United States Code, to establish a marine emergency protocol and requirements for double-hulling of vessel fuel tanks; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. TESTER):

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 2843. A bill to amend the Internal Revenue Code of 1986 to allow a continuous levy on payments to Medicaid providers and suppliers; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. MENENDEZ, and Mr. WARNER):

S. 2844. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MARTINEZ:

S. 2845. A bill to amend title XIX of the Social Security Act to require asset verification through access to information held by financial institutions, to reduce fraud and abuse in State Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2846. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

By Mr. KERRY:

S. 2847. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 2848. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 2849. A bill to temporarily delay application of proposed changes to the Departmental Appeals Board within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself and Mr. INHOFE):

S. Res. 510. A resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. LEAHY, Mr. OBAMA, Mr. COBURN, Mrs. CLINTON, and Mr. WEBB):

S. Res. 511. A resolution recognizing that John Sidney McCain, III, is a natural born citizen; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. BAUCUS, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. NELSON of Nebraska, and Mr. WEBB):

S. Res. 512. A resolution honoring the life of Charlton Heston; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. HARKIN):

S. Con. Res. 75. A concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 329

At the request of Mr. CRAPO, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 388

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 432

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1570

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1570, a bill to amend the National Labor Relations Act to protect employer rights.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2186

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2186, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2543

At the request of Mr. ENSIGN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2595

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2652

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. BOXER), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2685

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2685, a bill to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2717

At the request of Mr. CHAMBLISS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2717, a bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2756

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2768

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2768, a bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

S. 2800

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2800, a bill to increase the incentives for employers to hire qualified ex-felons by enhancing the effectiveness of the work opportunity tax credit, to reduce the backlog of applications pending certification under the work opportunity tax credit program, to enhance the effectiveness of the Federal bonding program, to enhance the effectiveness of the Federal bonding program, and to authorize a pilot program for employment-focused re-entry projects.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a

cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 470

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

S. RES. 497

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 497, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

S. RES. 504

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 504, a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 509

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 509, a resolution recognizing the week of April 7, 2008 to April 13, 2008, as ''National Public Health Week''.

AMENDMENT NO. 4402

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mrs. CLINTON), the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4402 intended to be proposed to H. R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4419 proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 4419 proposed to H.R. 3221, supra.

AMENDMENT NO. 4446

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maine (Ms. SNOWE), the Senator from South Dakota (Mr. THUNE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 4446 proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 4519

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4519 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4520

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4520 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4521

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4521 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4522

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4522 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2841. A bill to amend the Oil Pollution Act of 1990 and title 46, United States Code, to establish a marine emergency protocol and requirements for double-hulling of vessel fuel tanks; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce an important piece of legislation. The Marine Emergency Protocol and Hull Requirement Act will take two major steps in preventing oilspills.

First, the bill directs the United States Coast Guard to control and oversee a vessel's route and speed during dangerous conditions. This oversight is critical to protect our ships during an attack or in conditions of low visibility.

Second, the bill will keep dangerous oil and fuel out of our waterways by mandating that all large cargo ships reinforce their fuel tanks with double hulls. By doing so, many of the small mishaps that occur will not lead to major oilspills.

San Franciscans learned the hard way that further precautions and regulations are needed.

Last November, in my hometown, a large cargo ship carrying over 100,000 gallons of fuel, ran into the San Francisco Bay Bridge. The damaged ship poured 53,000 gallons of oil into the bay.

In the following hours and days there was confusion, it was difficult to obtain accurate information, and there was a general sense of frustration felt by Bay Area residents.

Here is what we knew:

On the foggy November morning, visibility was very low—less than a quarter of a mile—in the San Francisco Bay.

Under these low visibility conditions the *Cosco Busan*, a large 900-foot-long cargo ship, decided to leave for its destination despite the poor conditions.

As the ship proceeded towards the Bay Bridge, the captain was advised by the Coast Guard that his vessel may be off course. However the Coast Guard did nothing to stop the ship, which they knew was heading directly towards a pillar of the bridge.

Despite the warnings and the poor visibility, the ship continued to speed toward the bridge until it collided.

The fact is this: The Coast Guard's actions did not stop the ship from running into the pier.

It is the responsibility of the Coast Guard to make sure that preventable oilspills are prevented. Sector Commanders and Vessel Traffic Service officers track ships as they traverse harbors across the country. In this case they could see that the ship was off course, yet they did nothing. This is unacceptable.

The Marine Emergency Protocol and Hull Requirement Act will mandate that the Coast Guard act to stop a ship—such as the *Cosco Busan*—that is dangerously off course.

Yes, there was substantial human error that led to this oilspill. That is unquestionable. But the fact remains that the Coast Guard had an opportunity to stop this ship, and it did not.

The bill directs the Sector Commander of the Coast Guard, that is the top official within each of the Coast Guard's 35 regions, to assume direct authority of all vessels during conditions of enhanced danger, such as low visibility or an attack.

By doing this, we will create a central system where all decisions are made. There will not be any confusion about who should do what, or when, or how. This way, during emergency conditions when confusion abounds, all orders are coming from one central source.

The Sector Commander will have the authority to stop ships, change their course, or return them to a safe harbor. They will have the authority to alter the course of one ship, or of all ships. This authority is necessary to ensure safe navigation of dangerous waterways.

Yet even in a perfect world, the Coast Guard cannot stop all oilspills. Sometimes the circumstances are out of their control.

That is why we need to make sure that the ships in our waterways take all reasonable precautions to protect against spilling oil.

The Marine Emergency Protocol and Hull Requirement Act also mandates that all cargo vessels are built with, or install, double hull containment structures around their petroleum based fuel tanks. Doing so keeps small mishaps and collisions from turning into major oilspills.

The extra layer of protection was required for oil tankers under the Oil Pollution Act of 1990, OPA 90.

Following the 11-million gallon *Exxon Valdez* tragedy in 1989, new restrictions on oil tankers were at the center of the debate on how to prevent another catastrophic oilspill. The result of the OPA 90 legislation has been remarkable.

Compared to the 15 years before the enactment of the Oil Pollution Act, the following 15 years have seen a 90-percent drop in oilspills over 100,000 gallons.

In the same time period, there has been a 79-percent drop in spills less than 100,000 gallons.

By 2015 there will be no single-hull tank vessels operating in U.S. waters. As of 2010, only 5 percent of domestic and only 4 percent of foreign tank vessels will still have a single hull. Nearly 90 percent had single hulls in 1990.

These are incredible successes. Unfortunately one other statistic sticks out.

Since 1990, 90 percent of all oilspills have been from non-tank vessels.

Clearly, this illustrates the need for cargo ships, the main culprit of oilspills in recent years, to be subject to the Oil Pollution Act standards.

In 1990, cargo ships were left out because relatively, they carried much less oil. However, newer, larger cargo ships carry hundreds of thousands of gallons of oil as fuel, and this oil still poses a grave environmental threat.

In the *Cosco Busan* incident, and dozens of other catastrophic oilspills around the world, it was fuel oil that ended up in the water, not cargo oil. Of course this oil is just as deadly, yet under current law it is treated differently.

It is time to close this loophole.

The Marine Emergency Protocol and Hull Requirement Act also provides a reasonable timeframe for implementing these standards.

In the 1990 bill, Congress adopted a sliding scale for when vessels needed to have applied the appropriate double hull protections. The timetable was developed to allow shipping companies and ship owners to plan for the additional costs—and up to 15 years to implement them. Under this bill, we will adopt the same time-tested schedule and apply it to the conversion of cargo vessels.

The Marine Emergency Protocol and Hull Requirement Act is a commonsense bill that will unquestionably make our waters safer.

In an emergency situation, be it an attack or a condition of low visibility, the Coast Guard must assume authority over a ship in danger. It is their responsibility to guide the vessel to safety. This bill clarifies that they have the authority to do so, and it mandates that they follow through.

Similarly, vessels carrying a large volume of oil—be it as cargo or as fuel—have the responsibility to take reasonable steps to prevent that oil from spilling.

In the event of even a minor accident, a single hull breach is a very real possibility. This is why we mandated that oil tankers implement a double containment system in 1990.

It has come time to close this loophole and call all oil, oil. Fuel oil is just as detrimental and just as deadly as oil that is carried in the cargo hold of a ship. Therefore it should have to be contained with an equal level of protection.

I look forward to working with my colleagues on this very important matter, passing this important piece of commonsense legislation.

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By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. TESTER):

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

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 printed in the RECORD, as follows:

S. 2842

*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 ''Aging Water Infrastructure and Maintenance Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(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 reclamation or irrigation project (including any canal, levee, tunnel, dike, pumping plant, dam, or reservoir) that is—

(A) under the jurisdiction of the Secretary (including any facility owned by the Department of the Interior); and

(B) not covered by the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.).

(3) RESERVED PROJECT FACILITY.—The term ''reserved project facility'' means any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED PROJECT FACILITY.—The term ''transferred project facility'' means a project facility the operation and maintenance of which is carried out by a non-Federal entity.

**SEC. 3. INSPECTION OF PROJECT FACILITIES.**

(a) INSPECTIONS.—

(1) INITIAL INSPECTION PERIOD.—

(A) IN GENERAL.—In accordance with subparagraph (B), not later than 1 year after the

date of enactment of this Act, the Secretary shall conduct an inspection of not less than 75 percent of all project facilities.

(B) SELECTION OF PROJECT FACILITIES.—In selecting project facilities to inspect during the initial inspection period under subparagraph (A), the Secretary shall take into account the risk posed by each project facility to public health or safety, or property.

(2) FINAL INSPECTION PERIOD.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct an inspection of each project facility not inspected by the Secretary during the initial inspection period under paragraph (1)(A).

(3) REIMBURSEMENT RELATING TO INSPECTIONS OF TRANSFERRED PROJECT FACILITIES.—Notwithstanding any applicable law (including regulations), with respect to an inspection of a transferred project facility carried out under this subsection, the Secretary may not request from the non-Federal entity that carries out the operation and maintenance of the transferred project facility reimbursement for costs arising from the inspection.

(4) PERIODIC REVIEW OF INSPECTIONS.—Not later than 3 years after the date described in paragraph (2) and every 3 years thereafter, the Secretary shall carry out a review of each inspection carried out under paragraphs (1) and (2).

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected by the Secretary through the conduct of the inspections under paragraphs (1) and (2) of subsection (a)—

(1) to develop for each reserved project facility a detailed schedule for the conduct of regular maintenance;

(2) to develop for, and provide to, each non-Federal entity that carries out the operation and maintenance of a transferred project facility—

(A) a detailed schedule for the conduct of regular maintenance; and

(B) a document that contains guidance describing the manner by which to comply with the schedule described in subparagraph (A); and

(3) to create a national priorities list that contains a description of each project facility that requires the most urgent maintenance with respect to the infrastructure of the project facility.

(c) NATIONAL PRIORITIES LIST.—

(1) ANNUAL REVIEW.—Not later than 1 year after the date on which the Secretary develops the national priorities list under subsection (b)(3) and annually thereafter, the Secretary shall carry out a review of each project facility to update the list for the year covered by the review.

(2) PUBLICATION.—The national priorities list shall be published by the Secretary in the budget justification of the Department of the Interior for the year covered by the national priorities list.

(d) STATE PARTICIPATION.—In conducting an inspection of a project facility under subsection (a), the Secretary shall—

(1) notify the appropriate State agency of the State in which the project facility is located of the inspection;

(2) allow the State agency described in paragraph (1) to participate in the inspection of the project facility; and

(3) provide to the State agency described in paragraph (1) a report that describes the results of the inspection of the project facility.

**SEC. 4. FEDERAL STANDARDS AND GUIDELINES FOR PROJECT FACILITIES.**

(a) PROMULGATION OF STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with paragraph (2), the Secretary shall promulgate final regulations to establish standards for the condition and maintenance of project facilities.

(2) CONTENTS.—The regulations promulgated by the Secretary under paragraph (1) shall contain a detailed description of each condition with which a project facility shall comply to be eligible to be considered by the Secretary—

(A) to function properly and in accordance with the objectives of the project facility; and

(B) to operate in a manner to ensure, to the maximum extent practicable—

(i) the safety of populations located in close proximity to the project facility; and

(ii) the preservation of property located in close proximity to the project facility.

(b) PROMULGATION OF GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with paragraph (2), the Secretary shall promulgate final regulations to establish guidelines—

(A) to implement this Act; and

(B) to ensure compliance with the regulations promulgated by the Secretary under subsection (a).

(2) CONTENTS.—The regulations promulgated by the Secretary under paragraph (1) shall reflect an agency-wide policy with respect to the type, and proportion of, activities relating to the operation and maintenance of a project facility that may be appropriately carried out by a non-Federal entity, taking into account—

(A) any economic benefit that may result from the carrying out of the activities by a non-Federal entity; and

(B) the capabilities of the non-Federal entity to carry out the activities.

**SEC. 5. MODIFICATION OF PROJECT FACILITIES.**

(a) IN GENERAL.—The Secretary shall carry out or, in accordance with subsection (b), provide to a non-Federal entity financial support to carry out, any modification to 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 THE REPAIR OF STRUCTURALLY DEFICIENT TRANSFERRED PROJECT FACILITIES.—

(1) COMPLIANT TRANSFERRED PROJECT FACILITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), to reimburse a non-Federal entity for costs arising from the carrying out of repair activities to improve the safety of a transferred project facility, the Secretary may provide to the non-Federal entity an amount equal to 65 percent of the costs incurred by the non-Federal entity to carry out the repair activities.

(B) DETERMINATION OF SECRETARY.—The Secretary shall reimburse the non-Federal entity described in subparagraph (A) if the Secretary determines that—

(i) the transferred project facility of the non-Federal entity is structurally deficient; and

(ii) the structural deficiency is not a result of noncompliance with any regulation promulgated by the Secretary under section 4.

(2) NONCOMPLIANT TRANSFERRED PROJECT FACILITIES.—

(A) IN GENERAL.—The Secretary may carry out any repair activity that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property—

(i) if the Secretary determines that—

(I) the transferred project facility is structurally deficient; and

(II) the structural deficiency is a result of noncompliance with any regulation promulgated by the Secretary under section 4; and

(ii) after the date on which the Secretary consults with the non-Federal entity that carries out the operation and maintenance of the transferred project facility.

(B) REIMBURSEMENT.—In accordance with any applicable law (including regulations) or agreement, the Secretary may seek reimbursement from the non-Federal entity that carries out the operation and maintenance of the transferred project facility described in subparagraph (A) for costs arising from each repair activity carried out by the Secretary under that subparagraph.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) INSPECTION OF PROJECT FACILITIES.—There are authorized to be appropriated to the Secretary to carry out section 3—

(1) $5,000,000 for fiscal year 2009; and

(2) $1,500,000 for each of fiscal years 2010 through 2013.

(b) MODIFICATION OF PROJECT FACILITIES.—There are authorized to be appropriated such sums as are necessary to carry out section 5.

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By Mr. KERRY:

S. 2847. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, to many young people, from all walks of life, are either struggling to pay for college or flat out can't afford it. Those who aren't able to incur the steep costs of a college education are not only losing out on a degree, but setting themselves up to face a lifetime of lost opportunities, as study after study shows college graduates are the most attractive candidates for the fastest-growing and best-paying jobs of tomorrow. Greater college access, gained through financial assistance, is critical to making the American dream a reality for all.

Yet prospective student borrowers are about to encounter massive impediments to acquiring quality, affordable private loans. The credit crunch currently impacting the home mortgage sector is set to extend to the student loan marketplace. Without sufficient liquidity in the market, student borrowers will find it harder and harder to find loans for their costs of college next year. According to FinAid.org, student loan originators are increasingly choosing to exit or suspend their participation in all or part of the Federal Family Education Loan Program, FFELP—45 since last August alone.

Unfortunately, however, Federal Reserve Chairman Ben S. Bemanke has indicated that the Federal Reserve is unlikely to take aggressive action at this time to help the student loan marketplace. Therefore, I am seeking to address this significant issue by introducing the Emergency Student Loan Market Liquidity Act.

This legislation will temporarily amend the Federal Home Loan Bank Act to allow the Federal Home Loan Banks to invest surplus funds not needed for advances to its member banks for student loan-related securities. It would also allow the Federal Home Loan Banks to accept student loans and student loan-related securities as collateral. Finally, the bill authorizes each Federal Home loan Bank to provide secured advances to its members

to originate student loans or finance student loan-related activities. This will provide funds for banks to help provide critically-needed student loans during these difficult economic times.

The Federal Home Loan Banks are today an essential source of stable, low-cost funds to financial institutions for home mortgage, small business, and rural and agricultural loans. With their members, the Federal Home Loan Banks represent one of the largest sources of home mortgage and community credit. There are twelve Federal Home Loan Banks, including one in Boston, each located in different regions of the country. Their cooperative structure is ideal for serving the system's 8,100 member lenders.

Today, the Federal Home Loan Banks provide billions of dollars of primary liquidity to approximately 80 percent of the Nation's financial institutions. By providing this additional student loan authorization to its members, member institutions will be able to remain active in the student loan marketplace and help students pay for their education.

This legislation is absolutely vital to securing the opportunity of higher education for all who choose to pursue it.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 510—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mrs. MURRAY (for herself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 510

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years, an improvement from a life expectancy in the 1960s where children did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommend that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas, although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) supports the promotion of further public awareness and understanding of cystic fibrosis;

(3) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(4) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

### SENATE RESOLUTION 511—RECOGNIZING THAT JOHN SIDNEY MCCAIN III, IS A NATURAL BORN CITIZEN

Mrs. MCCASKILL (for herself, Mr. LEAHY, Mr. OBAMA, Mr. COBURN, Mrs. CLINTON, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 511

Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a ''natural born Citizen'' of the United States;

Whereas the term ''natural born Citizen'', as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;

Whereas there is no evidence of the intention of the Framers or any Congress to limit the constitutional rights of children born to Americans serving in the military nor to prevent those children from serving as their country's President;

Whereas such limitations would be inconsistent with the purpose and intent of the ''natural born Citizen'' clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term ''natural born Citizen'';

Whereas the well-being of all citizens of the United States is preserved and enhanced by the men and women who are assigned to serve our country outside of our national borders;

Whereas previous presidential candidates, were born outside of the United States of America and were understood to be eligible to be President; and

Whereas John Sidney McCain, III, was born to American citizens on an American military base in the Panama Canal Zone in 1936: Now, therefore, be it

*Resolved*, That John Sidney McCain, III, is a ''natural born Citizen'' under Article II, Section 1, of the Constitution of the United States.

Mr. LEAHY. Mr. President, today I join Senator CLAIRE MCCASKILL in introducing a resolution to express the common sense of everyone here that Senator MCCAIN is a ''natural born Citizen,'' as the term is used in the Constitution of the United States. Our Constitution contains three requirements for a person to be eligible to be President—the person must have reached the age of 35; must have resided in America for 14 years; and must be a ''natural born Citizen'' of the United States. Certainly there is no doubt that Senator MCCAIN is of sufficient years on this earth and in this country given that he has been serving in Washington for over 25 years. However, some pundits have raised the question of whether he is a ''natural born Citizen'' because he was born outside of the official borders of the United States.

JOHN SIDNEY MCCAIN, III, was born to American citizens on an American Naval base in the Panama Canal Zone in 1936. Numerous legal scholars have looked into the purpose and intent of the ''natural born Citizen'' requirement. As far as I am aware, no one has unearthed any reason to think that the Framers would have wanted to limit the rights of children born to military families stationed abroad or that such a limited view would serve any noble purpose enshrined in our founding document. Based on the understanding of the pertinent sources of constitutional meaning, it is widely believed that if someone is born to American citizens anywhere in the world they are natural born citizens.

It is interesting to note that another previous presidential candidate, George Romney, was also born outside of the United States. He was widely understood to be eligible to be President. Senator Barry Goldwater was born in a U.S. territory that later became the State of Arizona so some even questioned his eligibility. Certainly the millions of Americans who voted for these two Republican candidates believed that they were eligible to assume the office of the President. The same is true today.

Because he was born to American citizens, there is no doubt in my mind that Senator MCCAIN is a natural born citizen. I recently asked Secretary of Homeland Security Michael Chertoff, a former Federal judge, if he had any doubts in his mind. He did not.

I expect that this will be a unanimous resolution of the Senate and I thank the Senator from Missouri for working with me on this.

I ask unanimous consent that the relevant excerpt from the Judiciary Committee hearing where Secretary Chertoff testified be made a part of the RECORD.

EXCERPT OF SECRETARY CHERTOFF TESTIMONY FROM APRIL 2, 2008

Chairman LEAHY. We will come back to that. I would mention one other thing, if I might, Senator Specter. Let me just ask this: I believe—and we have had some question in this Committee to have a special law

passed declaring that Senator McCain, who was born in the Panama Canal, that he meets the constitutional requirement to be President. I fully believe he does. I have never had any question in my mind that he meets our constitutional requirement. You are a former Federal judge. You are the head of the agency that executes Federal immigration law. Do you have any doubt in your mind—I mean, I have none in mine. Do you have any doubt in your mind that he is constitutionally eligible to become President?

Secretary CHERTOFF. My assumption and my understanding is that if you are born of American parents, you are naturally a natural-born American citizen.

Chairman LEAHY. That is mine, too. Thank you.

## SENATE RESOLUTION 512—HONORING THE LIFE OF CHARLTON HESTON

Mr. DEMINT (for himself, Mr. BAUCUS, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. NELSON of Nebraska, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 512

Whereas the United States has lost a great patriot with the passing of Charlton Heston;

Whereas Charlton Heston first became beloved by the Nation as a great actor and portrayed many heroic figures, including Moses, Michelangelo, Andrew Jackson, John the Baptist, Mark Antony, and El Cid in epic movies of the 1950s and 1960s, and won the 1959 Best Actor Academy Award (Oscar) for playing the title character in ''Ben-Hur'';

Whereas Charlton Heston was a leader in many areas of life outside of acting, including serving as president of the Screen Actors Guild, which he helped to integrate with Ronald Reagan, and as chairman of the American Film Institute;

Whereas Charlton Heston was an active supporter of the civil rights movement, including protesting the showing of his film at a segregated movie theater in Oklahoma City and participating in and leading the Arts Group in the 1963 civil rights march on Washington;

Whereas, in the last major public role of his life, Charlton Heston was president of the National Rifle Association from June 1998 until April 2003;

Whereas, as president of the National Rifle Association, Charlton Heston was a stalwart defender of the 2nd Amendment right of citizens to keep and bear arms and was an active and effective promoter of wildlife management through hunting;

Whereas in 2003 Charlton Heston was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor;

Whereas Charlton Heston was born in Evanston, Illinois, on October 4, 1923, and his parents moved to St. Helen, Michigan, where he grew up;

Whereas in 1943 Charlton Heston enlisted in the Army Air Forces and served as a radio-gunner in the Aleutian Islands of Alaska, and in 1947 he was discharged from the Army;

Whereas in 1944 Charlton Heston married the love of his life, Lydia Clarke, to whom he had been married 64 years at his death;

Whereas Charlton and Lydia Heston are the parents of 2 children, Fraser Heston and Holly Heston Rochell;

Whereas Charlton Heston passed away on April 5, 2008, and the contributions he made to his family and his Nation will not be forgotten: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life, achievements, and contributions of Charlton Heston; and

(2) extends its deepest sympathies to the family of Charlton Heston for the loss of such a great and generous man, husband, and father.

## SENATE CONCURRENT RESOLUTION 75—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF DEFENSE SHOULD TAKE IMMEDIATE STEPS TO APPOINT DOCTORS OF CHIROPRACTIC AS COMMISSIONED OFFICERS IN THE ARMED FORCES

Mr. COLEMAN (for himself and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 75

Whereas the Secretary of Defense has statutory authority under section 3070 of title 10, United States Code, to appoint doctors of chiropractic as commissioned officers in the Armed Forces, but has not yet made such appointments;

Whereas the urgent needs of military personnel in the field of operations include access to the widest possible range of health care options, especially in the area of care of the spine and related structures of the body;

Whereas providing military personnel in the field of operations with access to chiropractic care will increase the cost effectiveness of military health care expenditures by taking advantage of the conservative, drugless, and non-surgical care option offered by chiropractic care;

Whereas back injuries are the leading cause of lost service time and disability in the Armed Forces;

Whereas military personnel in the field of operations or on shipboard can access chiropractic care only through commissioned chiropractic officers;

Whereas access to chiropractic care through commissioned chiropractic officers will enhance the combat readiness of military personnel by offering a non-pharmaceutical option for the health care needs of such personnel; and

Whereas the appointment of doctors of chiropractic as commissioned offices will make use of a highly skilled and trained pool of health care professionals and help to meet the growing demand for chiropractic care in the Armed Forces: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the Secretary of Defense should take immediate steps to establish a career path for doctors of chiropractic to be appointed as commissioned officers in all branches of the Armed Forces for purposes of providing chiropractic services to members of the Armed Forces.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4523. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4524. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4523.** Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protection consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Amend the title so as to read:

To provide needed housing reform and for other purposes.

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**SA 4524.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.; which was ordered to lie on the table; as follows:

Strike section 335.

## 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 Thursday, May 1, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the military buildup on Guam: impact on the civilian community, planning, and response.

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 Rosemarie Calabro@energy.senate.gov.

For further information, please contact Allen Stay man at (202) 224–7865 or Rosemarie Calabro at (202) 224–5039.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2 p.m., in open session to receive testimony on the situation in Iraq, progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation, the future U.S. military presence in Iraq, and the situation in Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. 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 April 10, 2008, at 10 a.m. to conduct a hearing entitled ''Turmoil in U.S. Credit Markets: Examining Proposals to Mitigate Foreclosures and Restore Liquidity to the Mortgage Markets.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 9 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Hearing on the Nomination of David R. Hill to be Assistant Administrator (General Counsel) for the Environmental Protection Agency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Identity Theft: Who's Got Your Number?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 9:30 a.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Climate Change: A Challenge for Public Health'' on Thursday, April 10, 2008.

The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2 p.m., to consider the nominations of the Honorable Andrew M. Saul, the Honorable Alejandro M. Sanchez, the Honorable Gordon J. Whiting to be Members, Federal Retirement Thrift Investment Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 10, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Karl Cordova, who is a Bevinetto Fellow working with our staff on the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on S. 2739.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that a member of my staff, Jack Wells, be granted the privileges of the floor during this discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that two law clerks from Senator CORNYN's staff, Alana Hake and Ashley Huff, be granted the privilege of the floor for the remainder of this week—which may not be too long, hopefully.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRAUMATIC BRAIN INJURY ACT OF 2008

Mr. SALAZAR. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to S. 793.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 793

*Resolved*, That the bill from the Senate (S. 793) entitled ''An Act to provide for the expansion and improvement of traumatic brain injury programs'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Traumatic Brain Injury Act of 2008''.*

***SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.***

*Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—*

*(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;*

*(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and*

*(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.*

***SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.***

*(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking ''from hospitals and trauma centers'' and inserting ''from hospitals and emergency departments''.*

*(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—*

*(1) in the section heading, by inserting ''SURVEILLANCE AND'' after ''NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY''; and*

*(2) in subsection (a), in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''to collect data concerning—'' and inserting ''may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of*

*such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—''.*

*(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:*

*''(b) Not later than 18 months after the date of enactment of the Traumatic Brain Injury Act of 2008, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in individuals who were formerly in the military. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.''.*

***SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.***

*Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C, as so redesignated, the following:*

***''SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.***

*''(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:*

*''(1) In collaboration with appropriate State and local health-related agencies—*

*''(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and*

*''(B) reporting national trends in traumatic brain injury.*

*''(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—*

*''(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;*

*''(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and*

*''(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.*

*''(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.*

*''(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.*

*''(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Traumatic Brain Injury Act of 2008, submit to Congress a report describing findings made as a result of carrying out such subsection (a).*

*''(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.''.*

***SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.***

*Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—*

*(1) in subsection (b)(2), by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions'';*

*(2) in subparagraph (D) of subsection (d)(4), by striking ''head brain injury'' and inserting ''brain injury''; and*

*(3) in subsection (i), by inserting '', and such sums as may be necessary for each of the fiscal years 2009 through 2012'' before the period at the end.*

***SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.***

*(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—*

*(1) in subsection (a)—*

*(A) by striking ''may make grants to States'' and inserting ''may make grants to States and American Indian consortia''; and*

*(B) by striking ''health and other services'' and inserting ''rehabilitation and other services'';*

*(2) in subsection (b)—*

*(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term ''State'' each place such term appears and inserting the term ''State or American Indian consortium''; and*

*(B) in paragraph (2), by striking ''recommendations to the State'' and inserting ''recommendations to the State or American Indian consortium'';*

*(3) in subsection (c)(1), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';*

*(4) in subsection (e), by striking ''A State that received'' and all that follows through the period and inserting ''A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Traumatic Brain Injury Act of 2008 may complete the activities funded by the grant.'';*

*(5) in subsection (f)—*

*(A) in the subsection heading, by inserting ''AND AMERICAN INDIAN CONSORTIUM'' after ''STATE'';*

*(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium''; and*

*(C) in clause (ii) of paragraph (1)(A), by striking ''children and other individuals'' and inserting ''children, youth, and adults'';*

*(6) in subsection (h)—*

*(A) by striking ''Not later than 2 years after the date of the enactment of this section, the Secretary'' and inserting ''Not less than biennially, the Secretary'';*

*(B) by striking ''Commerce of the House of Representatives, and to the Committee on Labor and Human Resources'' and inserting ''Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions''; and*

*(C) by inserting ''and section 1253'' after ''programs established under this section,'';*

*(7) by amending subsection (i) to read as follows:*

*''(i) DEFINITIONS.—For purposes of this section:*

*''(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.*

*''(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.''; and*

*(8) in subsection (j), by inserting '', and such sums as may be necessary for each of the fiscal years 2009 through 2012'' before the period.*

*(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—*

*(1) in subsections (d) and (e), by striking the term ''subsection (i)'' each place such term appears and inserting ''subsection (l)'';*

*(2) in subsection (g), by inserting ''each fiscal year not later than October 1,'' before ''the Administrator shall pay'';*

*(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;*

*(4) by inserting after subsection (h) the following:*

*''(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.*

*''(j) TRAINING AND TECHNICAL ASSISTANCE.—*

*''(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance for protection and advocacy systems.*

*''(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.*

*''(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''; and*

*(5) in subsection (l) (as redesignated by this subsection) by striking ''2002 through 2005'' and inserting ''2009 through 2012''.*

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, 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.

Mr. KENNEDY. Mr. President, today, Congress took a major step toward making a remarkable difference in the lives of some of our Nation's most deserving citizens: our soldiers and our children with brain injuries.

I commend our colleagues, Congressmen PASCRELL and PLATTS, as well as my friend and cosponsor in the Senate, Senator HATCH, on all they have done to achieve passage of this legislation. It is an important and timely bill that helps an especially deserving group of people.

Traumatic brain injuries have become the signature wound of the war in Iraq. Up to two-thirds of our wounded soldiers may have suffered such injuries.

In the civilian population here at home, an unacceptably large number of children from birth to age 14 experience traumatic brain injuries approximately 475,000 a year and some of the most frequent of these injuries are to children under the age of 5. In Massachusetts alone, more than 40,000 individuals experience these injuries each year.

As a result of these injuries, over 5.3 million Americans are now living with a permanent disability. Today, we have taken another step toward ensuring that these citizens and their families will receive the best services we can provide.

The legislation reauthorizes grants that assist States, territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for persons with such injuries.

The legislation also reauthorizes an important provision, the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program, enacted by Congress in 2000, has become essential because persons with these injuries have an array of needs beyond treatment and health care. Protection and advocacy services include assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these persons especially our returning veterans must remain in extremely expensive institutions far longer than necessary, because the community-based supports and services they need are not available, even though they can lead to reduced government expenditures, increased productivity, greater independence and community involvement. Those who provide such assistance must have special skills, and their work is often time-intensive.

The legislation also allocates funds for CDC programs that provide important information and data on injury prevention of these injuries. A recent Institute of Medicine report demonstrated that these programs work. Their benefit is obvious, and we must do all we can to expand this appropriation in the years ahead to meet the urgent and growing need for this assistance.

A recent report by the Institute of Medicine calls the current TBI programs an ''overall success.'' It states that ''there is considerable value in providing funding,'' and ''it is worrisome that the modestly budgeted TBI Program continues to be vulnerable to budget cuts.''

Current estimates show that the Federal Government spends less than $3 per brain injury survivor on research and services. As the IOM study suggests, this program must be able to expand, so that each State will have the resources needed to maintain vital services and advocacy for the large number of Americans who sustain such injuries each year.

Enactment of this bipartisan legislation will bring us a giant step closer to strengthening these vital programs for these deserving individuals and their families.

## DISCHARGE AND REFERRAL—H.R. 123

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged of H.R. 123, an act to authorize appropriations for the San Gabriel Basin Restoration Fund, and that it then be referred to the Energy and Natural Resources Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, APRIL 14, 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 14; 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 use later in the day, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume the motion to proceed to Calendar No. 608, H.R. 1195, the highway technical corrections bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SALAZAR. Mr. President, at 5:30 p.m., on Monday, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the highway technical corrections bill.

## ADJOURNMENT UNTIL MONDAY, APRIL 14, 2008, AT 2 P.M.

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Monday, April 14, 2008, at 2 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 10, 2008:

### THE JUDICIARY

BRIAN STACY MILLER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

JAMES RANDAL HALL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

JOHN A. MENDEZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

STANLEY THOMAS ANDERSON, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

CATHARINA HAYNES, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.